GREGORY BENFORD: A "CURE" FOR THE COMMON MAN?

REASON

Free Minds and Free Markets™

January 1994

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The President's Perilous Prescription

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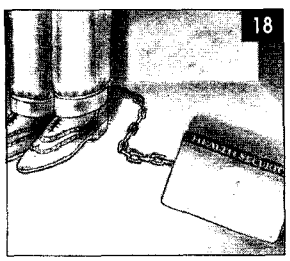

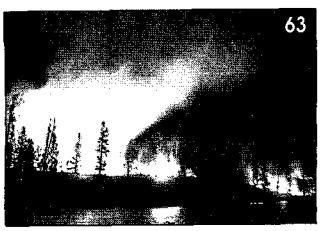

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Populist Industrial Policy

By Virginia I. Postrel

The myth that small business creates most jobs serves both liberals and conservatives.

JUST ABOUT EVERYBODY LIKES small business—liberals and conservatives, Democrats and Republicans, even aging Chinese Communists. Bill Clinton frequently says good things about small business to prove he's a "different kind of Democrat."

He even appealed to small companies in his big health-care speech: "These rising [health-care] costs are a special nightmare for our small businesses—the engine of our entrepreneurship and our job creation in America today."

Clinton's opponents, of course, argue that the president's policies are the nightmare. Responding to the State of the Union address, House Minority Leader Bob Michel said, "We agree with the president that we have to put more people to work, but remember this: 80 to 85 percent of the new jobs in this country are created by small business. So the climate for starting and expanding businesses must be enhanced with tax incentives and deregulation, rather than imposing higher taxes and more governmental mandates."

Small business is, apparently, the opposite of the weather: Everybody praises it, and everybody does something about it. But all this posturing is based on bad economics and worse politics. Contrary to endlessly repeated conventional wisdom, small companies do *not* account for the vast majority of new jobs.

That notion stems from the work of David Birch, a former MIT researcher who now runs a consulting firm called Cognetics. In the 1980s, Birch claimed to show that most new jobs came from small companies. His findings were trumpeted by small-business advocates, notably the Small Business Administration and my former employer, *Inc.* magazine. It seemed impolite to subject Birch's research to normal scientific checking.

But Birch has now recanted. He says, "The relative role of smaller firms in generating jobs varies enormously from time to time and place to place....Most small-firm job creation occurs within a relatively few firms—the Gazelles." These "Gazelles" are, quite simply, high-growth companies. That growing companies hire more people than non-growing companies is hardly surprising. The "Gazelles," says Birch, represent every sector of the economy and are extremely unstable.

As a celebration of a dynamic, entrepreneurial economy, Birch's vision is appealing. It holds up on anecdotal grounds. Birch cites such Gazelle successes as AST Research and Federal Express. But his research has absolutely no predictive value. You identify a Gazelle by looking at its past growth, not predicting its future prospects. The implication of Birch's research is that no one, including David Birch, knows where new jobs will come from.

THAT IS ALSO THE CONCLUSION OF A TRIO of more-academic researchers, economists Steven J. Davis of the University of Chicago, John Haltiwanger of the University of Maryland, and Scott Schuh of the Federal Reserve Board. They identify the analytical fallacies that lead people to see job-creation patterns where none exist. And they have done careful empirical research on manufacturing jobs. The upshot: "In a nutshell, net job creation behavior in the U.S. manufacturing sector exhibits no strong or simple relationship to employer size."

Big companies account for the largest *number* of newly created (and newly destroyed) manufacturing jobs, because they have the most jobs to begin with. Small companies create and destroy jobs at a higher *rate*, since they start from a smaller base. Some small firms grow, and some shrink. Some big firms grow, and some shrink. Size alone tells you nothing.

None of this is surprising when you think about it. If David Birch or the SBA knew which companies would prosper and add workers, they'd be making a killing in venture capital. And even allowing for some inefficiency in the capital markets, we'd see a lot more unsubsidized investment pouring into little companies.

Plus, we've all known for years that high-growth startups have little in common with mom-and-pop dry cleaners. Talking about "small business" as an analytical category is silly on its face.

But it makes powerful sense politically, which is why the job-creation myth has persisted and why it has pervaded our political rhetoric. Both liberals and conservatives need the myth, though for radically different reasons.

Liberals, among them many of my friends and former *Inc.* colleagues, need a way to come to terms with capitalism. Repulsed by corporate bureaucracy, they can't defend General Motors, or even Microsoft. But they can get behind the Birchean vision of little companies struggling mightily to make up for all the layoffs from the aging behemoths. The myth neatly divides the world into two camps —big business, which they already knew was evil and now discover is useless as well, and small business, which is virtuous and productive.

The problem then arises of what to do about small businesses that succeed: What about Microsoft and MCI and Wal-Mart? What about those Gazelles?

This isn't just a matter of cultural attitudes. A lot of government policy is friendly toward small companies as long

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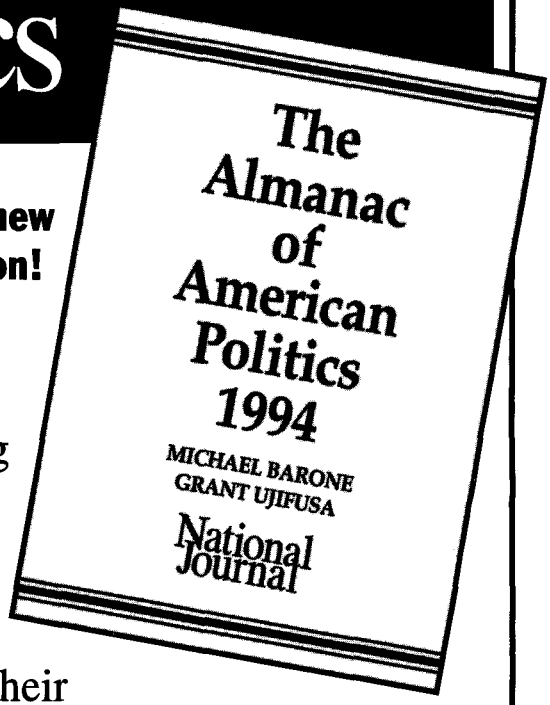

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as they stay small. If you don't hire more than 49 employees, you don't have to give 60-days' notice of plant closings; you avoid mandatory family and medical leave; you can do business with the government without filing affirmative-action plans; and the Clinton health-care plan will give you subsidies. Government policy punishes companies that grow.

It does so because of the way conservatives use small business in the policy debate. It is hard to stand up and say that some nice-sounding regulation is a bad idea or none of the government's business. Phil Gramm isn't going to stick up for large corporations. Instead, he tells stories about his constituent Dickie Flatt, who owns a small printing business and gets ink under his fingernails. Flatt's company is populist. General Electric isn't.

There's nothing inherently wrong with this rhetorical strategy. Small companies are a lot easier to picture. Their budgets operate on a scale closer to the household than the nation-state. Lots of people can identify with Dickie Flatt; not many can imagine running General Electric.

But most populist politicians don't use small companies as examples. They use them as special cases. They don't say, "Look what this regulation does to the corner dry cleaner. Imagine that effect multiplied over all of IBM." Instead, they suggest that small companies are better, more precious, more deserving of government favor than big companies.

By treating small business as special, they discredit the notion that government should be neutral. They make enterprises unequal before the law. Of course, as Steven Davis observed at a recent economics conference, it is not better to apply a bad policy more thoroughly. Small-business exemptions do reduce the drag on the economy created by various wealth-consuming regulations.

But over the long term, the political dynamic created by special exemptions only encourages more regulation. It buys off the constituencies that could make that regulation politically costly.

The politics of small-business favoritism has sacrificed truth to myth. And it has encouraged the hubris of would-be planners. Telling government officials that you can identify what size companies will create jobs doesn't encourage entrepreneurship. It supports the old political game of picking winners. It is industrial policy with a populist face. ®

Canadian Club

By Rick Henderson

Single-payer systems may be simpler than ClintonCare, but that doesn't make them good.

THE MIND-NUMBING COMPLEXITY OF Bill Clinton's Health Security Act has revived interest in simpler alternatives. The early winners of this rhetorical struggle advocate a government-run, single-payer medical system.

In the September 6 *Newsweek*, Gregg Easterbrook makes a thoroughgoing case for nationalized health care. "National health systems control costs," writes Easterbrook, "and market-based systems, no matter how conscientiously designed, do not." Whether their model is Canada, Germany, or France, Easterbrook and other advocates of a government-run system maintain that such plans will cut bureaucracy, enhance choice, and preserve quality. Consider their arguments:

• *Simplicity.* Right now, the U.S. medical bureaucracy costs proportionately twice as much as Canada's. Easterbrook cites a General Accounting Office study which estimates that a national health system would spend $67 billion less on administrative costs. He admits, however, that this $67 billion would be a one-time

saving and would be wiped out by one year's normal health-care inflation.

And it's ludicrous to assume that any government-run system, no matter how lean its initial design, would remain bureaucracy-free. In 1948, Great Britain's National Health Service employed 350,000 staff members and managed 480,000 hospital beds. By 1991, it had 800,000 staff but only 260,000 beds.

• *Choice.* Dr. David Himelstein of Physicians for a National Health Program says a single-payer plan lets individuals choose their doctors.

Sure. You can choose any doctor you want, as long as the doctor is a general practitioner. Since every other Western government caps how much medical money the nation will spend, prospective doctors are funneled into general practice rather than specialties. In France and Germany, the government pays medical-school tuitions. Bureaucrats then decide what type of medicine each physician will practice. (ClintonCare would set up a national board to set the "correct" proportion of G.P.s and specialists in training.) Only 40 percent of physicians outside the U.S. are specialists; 80 percent here are.

That's not a problem if you need only a penicillin shot. But if you have a more complicated illness, you'll probably wait for treatment.

• *Quality.* Easterbrook says cost controls won't necessarily sacrifice quality. He cites an American example in which single-payer works well: Rochester, New York, where Blue Cross covers 80 percent of the population.

But Rochester isn't a single-payer system. A full fifth of the city's medical expenses *aren't* handled by Blue Cross. In Canada, by contrast, private alternatives are forbidden.

Cost controls also reduce investments in new technologies. Patients suffer. A paper presented at the American Heart Association's November scientific meeting reports that more than twice as many American heart patients get angioplasty as Canadians. While 79 percent of American patients said their health was the same or better than before their heart attacks, only 64 percent of Canadian heart patients made the same claim.

• *Cost.* How do other nations keep their costs down? In Canada, each province decides how much it will spend for medicine that year. If the government overspends this year, the province has to make up for it by spending less the next year.

Writes Michael Walker of Vancouver's Fraser Institute, "To meet these restraints, hospitals limit the total number of complicated surgeries," the cardiac bypasses and hip replacements performed that year. "This practice, on a system-wide basis, amounts to rationing."

Some 260,000 Canadians waited for surgery in 1991. The average Canadian must wait five weeks to see a specialist. An estimated 5 percent of Canada's population is waiting for some medical service. This will happen in any health system completely financed by taxes. It could also occur if the cost caps proposed by Clinton are effective.

SINGLE-PAYER ADVOCATES MISS THE POINT when they hyperventilate over the costs of American health care. "Suppose the United States cut its health share of GDP to 11.7 percent," suggests Easterbrook, "halfway between present U.S. expenditures and spending in Canada."

Sorry. The U.S. gross domestic product does not belong to Uncle Sam. It represents the combined incomes of 256 million Americans, who should be allowed to spend their money as they choose.

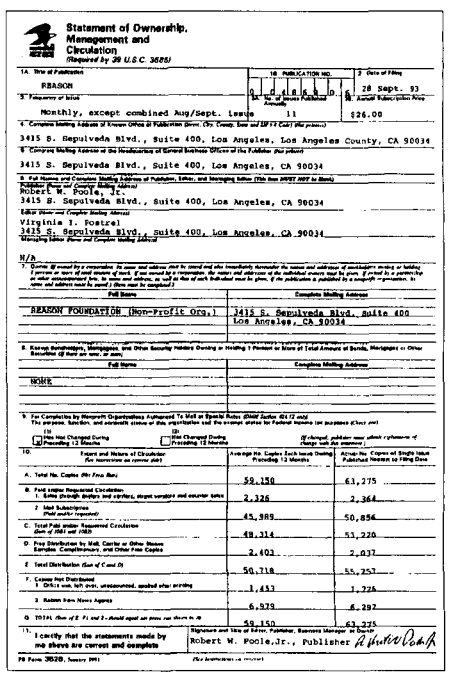
Health-care costs may seem unreasonably high. But providing medical services is not like building cars or assembling computers. As New York University economist William J. Baumol notes, medicine is labor-intensive. For many health services, writes Baumol in *The New Republic*, quality is "inescapably correlated with the amount of labor expended on their production." Each doctor can only see so many patients per hour.

If capital-intensive businesses continue to get more efficient, says Baumol, such labor-intensive industries as medicine will consume even more of the national income. And that's OK.

While no one knows the ideal level of health-care spending, there are distortions in the tax code that keep medical costs high. Employer-paid health benefits are tax-free, and individuals can't legally join together to negotiate with insurers. So most people expect their bosses to provide health care. Thus, it's easy to consider health care free; individuals pay only 5 percent of hospital charges and 18 percent of doctors' fees out of pocket. We don't try to economize; our employers do. Changes in the tax code could cut costs.

Americans spend proportionately more on health care than residents of other countries because we can and we want to. But we can streamline the tax-funded portion of the medical system. Medicaid recipients could get health vouchers or be enrolled in HMOs. Medicare could also be converted into a voucher system, giving recipients both the incentive to shop for medical services and the chance to purchase extra care or supplemental insurance on their own.

"Only Bill Clinton could make a single-payer system look good," says Cato Institute regulatory analyst Brink Lindsey. Even so, people who want reasonably priced, high-quality health care shouldn't believe Uncle Sam can provide it. ®



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Alien Notions

Virginia Postrel beams light with laser-like precision on the real motivation behind California Gov. Pete Wilson's anti-immigration posturing, a desperate move to prop up the crumbling socialist welfare state with a mean-spirited attempt to scapegoat racial minorities ("Border War," Oct.). All this to salvage his deservedly bleak prospects for re-election.

Wilson, Sen. Dianne Feinstein, and Sen. Barbara Boxer scapegoat immigrants for economic and social problems—loss of jobs, abuses of the welfare system, the failure of government schools—for which their burdensome economic and social interventions are primarily responsible. It is this same desperation driving Assembly Speaker Willie Brown's proposal to extend the legalized looting of asset-forfeiture laws to anyone accused of hiring "illegal aliens" and San Francisco Mayor Frank Jordan's callous proposal for fingerprinting welfare recipients.

Postrel is correct when she says, "The promise of America is not a welfare check; it is freedom." But if these power lusters' assaults on our personal and economic liberties succeed, we will soon see Americans risking their lives to flee to other countries in search of the liberty that will have been murdered in America.

Mark Valverde
Secretary
San Francisco Libertarian Party
San Francisco, CA

I just finished reading Virginia Postrel's wonderful editorial, "Border War." I wish she could be our first woman president.

L. Stephen Wolfe
San Diego, CA

Since I live in the agricultural half of Washington state, I have to contend firsthand with the same problems that are rapidly breaking the back of California. My home has been broken into four times. I have had my car stripped. My outside tools (riding lawn mower, sweeper, etc.) have disappeared. And every one of the people who were caught in these cases was an illegal alien Hispanic!

And Virginia Postrel has the nerve to stand up for these misfits. If there is one job open in our fertile valley, 20 illegals show up to claim it. Those who do not find work do not go back where they came from. They steal for a living. Our jails are fearfully overloaded, and the courts are turning away cases every day. This is not the America I want to live in.

It is evident that Ms. Postrel has not met the typical illegal face to face. Their lifestyle before they sneaked into our country was "if it isn't fastened down it is mine." True citizens of this country, of any race, disagree with this. The most ardent enemy of the illegal aliens is the native-born Hispanic.

Bill Davison
Toppenish, WA

Regarding Pete Wilson's proposal to amend the U.S. Constitution to clarify that children born here to illegal immigrants are not entitled to automatic U.S. citizenship, Virginia Postrel complains the governor is being "murky." Clearly language can be crafted denying citizenship to a child of two illegal immigrants.

This isn't an academic exercise. Two-thirds of the children born in Los Angeles County public hospitals are born to illegal immigrants. But because of federal mandates and court decisions, California pays for delivery, and the United States bestows citizenship on the baby.

That infant then joins the ranks of "citizen children" and becomes instantly eligible for a range of federally mandated benefits, including welfare. Since that 2-month-old obviously doesn't open a checking account or enter into an apartment lease, that AFDC check is delivered into the hands of the illegal-immigrant parent. AFDC expenses for these "citizen children" are now the fastest-growing part of the California AFDC caseload.

Postrel opines that the governor's proposal "repudiates the founding principles of the country" and would serve to "keep the welfare state working at full tilt." But the 14th Amendment was adopted following the Civil War and was designed to confer citizenship on former slaves and their children. It is court decisions based on the 14th Amendment that are expanding the welfare state today.

Postrel goes on to write that the governor is "attacking illegal immigrants" for using a variety of public services. Nonsense. He is merely recognizing that the spate of federally mandated programs available to illegal immigrants is enticing many of them into breaking U.S. immigration laws and joining California, at a rate of approximately 100,000 per year.

And as for Postrel's claim that the governor "*loves* ever-expanding social programs," I would like to place some facts on the record. California's general-fund budget is now $5 billion lower than when he took office. Over the last three years, he has cut $2.10 in spending for every $1.00 in new revenue—a record that puts Bill Clinton to shame.

Is it possible to be a libertarian and a federalist all at the same time? Surely yes, with a little effort. But Postrel doesn't even bother commenting on the gross injustice of state and local taxpayers' spending $3 billion a year for services to illegal aliens—only to find Congress playing possum when asked to cough up some reimbursement monies for the mandates it has meted out.

A final point: Are immigration laws "un-American," as Postrel suggests? That's debatable, but certainly all can agree that smearing one's opponents is un-American. I can find no other word except *smear* to describe Postrel's unfor-

tunate comment that millions more might have perished in the Holocaust had Gov. Wilson been in control of U.S. immigration laws in the early 20th century. What an ugly thing to think, let alone send off to the typesetter.

Joseph D. Rodota Jr.
Governor's Office
Sacramento, CA

Ms. Postrel replies: Mr. Davison's concerns about crime are understandable, given his experiences. And they raise two usually overlooked points about immigration. The first is that strict controls, even when laxly enforced, skew the distribution of immigrants. Among those who enter illegally, one large group are those who are the most desirable—the most future-oriented, the most enterprising, the most courageous, the hardest working. Illegality acts to screen out people whose passive personalities might predispose them toward welfare dependency. On the other hand, the illegality of the border-crossing process also breeds a certain disregard for U.S. law and encourages those who are most skilled in avoiding law enforcement—in other words, criminals. More vigorous enforcement would probably give us more of the latter group of illegal immigrants, fewer of the former.

Second, Mr. Davison's letter, and Mr. Rodota's statistics, point up an unremarked fact of the debate on immigration: Immigrants show up only when they come in contact with the government; taxpaying counts, as does county hospital use, but private wealth creation doesn't. So, for instance, we hear that a third of those arrested in the L.A. riots were illegal immigrants. We do not hear what I ob-

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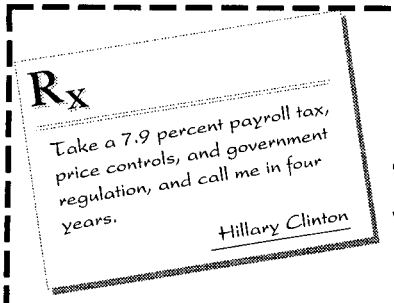

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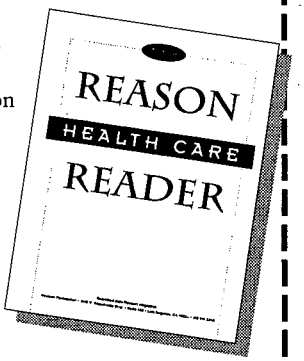

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served in the cleanup—that the vast majority of the men, women, and children who came out to sweep and shovel were Latinos, few of whom seemed to have lived here long. No one asked for their papers, but I doubt if they were all legal.

Without recapitulating my entire editorial, it's hard to respond to Mr. Rodota's letter. But let's start with Pete Wilson's record. It is true that California's continuing fiscal crisis has forced the governor to rethink his ambitious program to expand "preventive government" social-service programs. But let's not forget that his first budget—the one in which he raised state taxes by $7.3 billion—included $175 million for such expanded programs.

And even his new-found frugality disappears when he talks about why he wants to do away with state spending on illegal immigrants and their citizen children. He complains that state cannot "extend [the] reach and effectiveness" of "important preventive children's programs (in health, safety, mental health counseling, preschool)," that "state tax dollars are cut from our needy elderly, blind and disabled programs," that "state tax dollars that could provide increased per pupil spending and reduced class size are required by federal law to be spent instead on illegal immigrants." Pete Wilson may be a federalist, but he's still a big spender.

The point of my editorial was to place the debate over freedom of movement in its American historical context. In that context, the only people for whom there was any doubt about the fundamental right to enter the country were those whose full humanity was debated: blacks and, in some cases, Asians. The 14th Amendment was an affirmation that freed slaves, and anyone else born on U.S. soil, possessed the basic human right to stay here as a citizen.

Finally, Mr. Rodota's rewriting of my mention of the Holocaust is bizarre. I wrote, "The debate over immigration, legal and illegal, isn't really about...whether someone's grandfather would have escaped the Holocaust if Pete Wilson had been running immigration policy in the early part of the century." In the English

language, the word *isn't* means *is not*. As a politician who panders to voters' fears, Pete Wilson (without benefit of hindsight) probably wouldn't have been any better than the politicians who shut off immigration in the '20s, but I see no reason to think he would have been any worse.

The BATF's Mission

I am grateful to see in my first issue of a new subscription Alan Bock's article on the Weaver case ("Ambush at Ruby Ridge," Oct.). The murder of peaceful Americans by federal thugs is not considered newsworthy by the mainstream media. I depend on publications like REASON to stay informed.

Mr. Bock is incorrect in stating that the BATF is "an agency in search of a mission." The BATF's mission is clear: to turn the American people into disarmed European cattle. The BATF is doing exactly what it is paid to do by Congress: persecuting the politically incorrect.

BATF personnel are the tax-funded Brownshirts of the gun-control movement. The people who join the BATF or any paramilitary "law enforcement" agency are indistinguishable from those who joined the S.A. or Cheka. These "agents" are either ideologically committed collectivists or mindless thugs. But they all share a contempt for individual rights, the Constitution, and common decency. The sniper who shot Vicki Weaver should be tried for murder, as should his masters in Washington. The fact that there is no real investigation of the Weaver case, the Waco massacre, or the unspoken policy of harassment of firearms dealers indicates that neither Congress nor the president has any problem with the actions of the BATF.

Grant Jones
Captain Cook, HI

Alan Bock's "Ambush at Ruby Ridge" was an interesting and disturbing article. Unfortunately, Mr. Bock's credibility is weakened when he talks of U.S. Marshals carrying "silenced 9-mm M-16 machine guns with laser scopes." While this certainly sounds menacing, there is no such weapon. The M-16 rifle (a selector switch allows it to be fired as either a semi-automatic or an automatic) fires a 5.56-mm round.

Christopher M. Schnaubelt
San Luis Obispo, CA

Hawks and Doves

Daniel D. Polsby's article on the effects of gun control ("Equal Protection," Oct.) is one of the most thought-provoking and accurate pieces on the subject this lifelong gun owner has ever read. Here in New Jersey we have arguably the strictest gun-control laws in the nation, yet virtually no one claims that these laws have made life any safer.

The recent violence against foreign tourists in Florida underscores Mr. Polsby's main point. Florida residents enjoy permissive concealed-carry laws; tourists, on the other hand, are almost always unarmed. The bad guys naturally avoid high-risk encounters with Florida residents (who might shoot back) in favor of preying on unarmed tourists.

I predict that very shortly some enterprising Florida entrepreneur will start providing an armed escort service to usher foreign tourists from the danger zone around airports. This will bring the predictable cries of "vigilantism" from the media, but it will restore the "equilibrium of hawks" that Mr. Polsby (correctly) assumes will solve the problem.

George Worthington
Cranford, NJ

A common practice of citizen gun toting would change the face of law enforcement. Undercover police work, for instance, would become even more dangerous, because no officer would know if a drawn gun was friendly or not. There would be a number of "unfortunate incidents." Likewise, I wonder what the consequences of a confrontation between an honest citizen and an armed miscreant would look like to a police officer making his report or a judge determining justifiable homicide.

Though I agree with Polsby that the eventual effect of an armed citizenry would be a lessening of crime, initially killings would be rampant, as criminals challenged citizens for the right to the streets. In a fully armed society, the rush among criminals (who may organize in self-preservation) will be to gather the greater number of weapons and ammunition as quickly as possible. At first flush this could turn decidedly nasty.

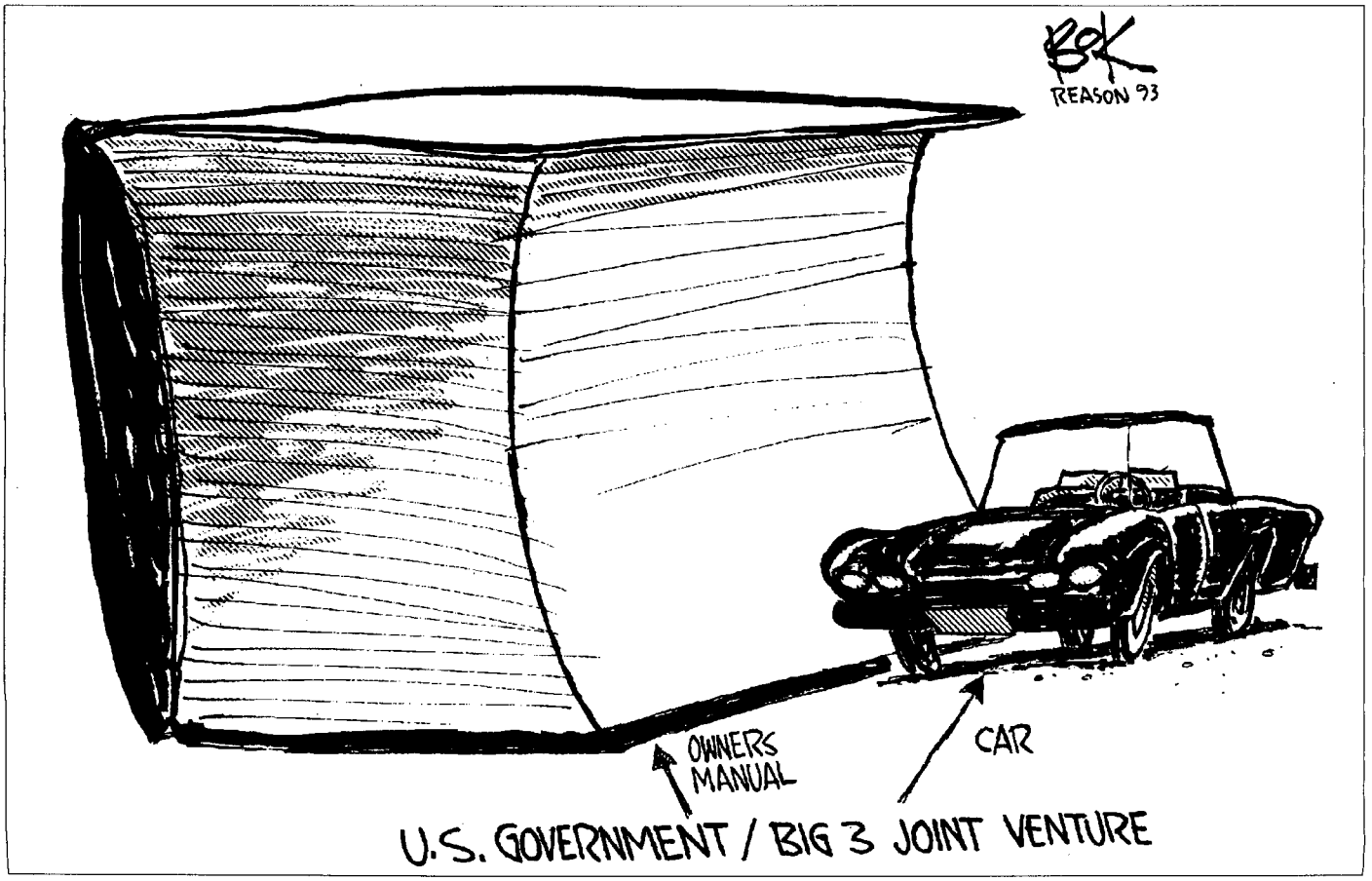
Polsby's example of the nonviolence of the '49ers is a good one, but we must also remember that another reason for the lack of gold-rush gunplay was citizen action (vigilantes). Hangtown, California, during the first years of the gold rush made short work of those who defied the peace, thus giving the town its name for a short time (before it became the more peaceable town of Placerville). Dodge City, Kansas, during the 1870s and 1880s is remembered as a generally lawless town (though the shootings were not so numerous as fiction would have us believe). But its greater period of gunplay was when citizens tried hanging up the six-shooters and turning law-enforcement duties over to marshals.

On the whole, however, Polsby has given me reason to believe that our crime-laden days are reversible. If nothing else, the saga of the recapturing of America under a Polsby scenario would make great TV fodder for some future, gentler generation.

Patrick M. Burke
River Ridge, CA

Mr. Polsby replies: Patrick Burke's fears of shootouts for control of the streets seem far-fetched. An armed citizenry makes public predation more dangerous and costly for criminals. On the margin, criminals should therefore change their behavior so as to avoid that cost. Stealth should become relatively more valuable to criminals than firepower. Overall crime rates probably would not be affected, alas, but the mix of crimes, and where they would be committed, probably would be.

HENRY PAYNE



CHIP BOK

Just in time for Christmas, the U.S. Treasury Department has issued a commemorative gold token honoring the 80th anniversary of the income tax. Don't laugh. It's the perfect gift for all the Democrats in your family.

In Nevada, state Sen. Joe Neal is concerned about the low minority enrollment at the University of Nevada Medical School. For this year's freshman class, the medical school accepted two of eight black applicants and three of 12 Hispanic applicants. Neal doesn't see why all of the minorities couldn't have been admitted. After all, he says, no one applies for medical school unless they're qualified.

In Houston, a teenager active in the anti-abortion movement has confessed to setting fire to a local abortion clinic. He was the number-one suspect because he had been spotted outside that clinic as well as several others that had been torched. Also, he left his wallet on the roof of the clinic.

In San Francisco, the California Occupa-tional Safety and Health Administration has hit the agency responsible for enforcing the city building safety code with 32 separate citations for health and safety hazards. Cal-OSHA found electrical violations, blocked aisles, and missing fire extinguishers in the headquarters of the Bureau of Building Inspection. The bureau has been cited several times by Cal-OSHA and the city fire department. Maybe the bureau is operating under the it-takes-a-thief-to-catch-a-thief policy.

In Great Britain, a Dorset farmer has re-named a pig after receiving complaints from government race-equality officers. The officials told Chris Fookes that naming his 500-pound sow "Oprah" was racist.

The University of Alabama, Birmingham, has removed its mascot—a Viking—because minority groups claimed that a white man could not symbolize the racially diverse school. Officials are now trying to come up with an inoffensive mascot. Meanwhile, minorities at the University of Massachusetts, Amherst, are making the same argument about that school's Minuteman mascot. I have a suggestion for authorities at both these schools. How about an Indian?

School nutritionists (lunch ladies to you stu-dents) are outraged that some stores are selling T-shirts that read "School Food. It's lethal. Eat it before it eats you." They are demanding that the stores remove the shirts. Donna Wittrock, director of the Denver public schools' food services, says that she has done extensive research and found absolutely no proof that school food has killed any student. Yeah, but what does it do to their sense of humor?

In Gainesville, Florida, the Yesterday & To-day record store offered a 50-percent discount to anyone willing to take off his or her clothes. The store's management didn't expect many people to take them up on the offer (and few did), but they thought it was an eye-catching ad. Local police thought it was something else: solicitation to commit an illegal act. They threatened to book the owners if they didn't discontinue the ad.

And in France, a country that has reacted to the introduction of Ted Turner's Cartoon Channel as if it were the outbreak of a new venereal disease, Culture Minister Jacques Toubon wants legislation to ban the use of English. The proposed bill would force movie distributors to translate the titles of films into French; it would ban the use of English in advertisements, in store signs, in video games, and in public notices. It would also create a language police to ferret out those using English.

The New York City commissioner of con-sumer affairs reportedly has ordered an investigation of a mail-order lingerie catalog to determine whether they are using enough minority models. But if the catalog uses minority models, wouldn't it be guilty of perpetuating sexual stereotypes about women of color?

The computer disks containing President Clinton's health-care bill that the White House sent to news organizations around the country had a virus. The program, called Stoned III, put this message on the screen: "Your PC is stoned—LEGALIZE MARIJUANA."

—Charles Oliver

Taking Their Toll

Privately built and operated roads stage a comeback.

By Nick Gillespie

DULLES GREENWAY, A 14-MILE toll road currently under construction between Washington's Dulles Airport and Leesburg, Virginia, is not just the first private toll road in the Old Dominion since 1816. It is the latest venture to join a growing list of road and bridge projects funded exclusively by private investors. Private toll projects are under way or seriously being considered in 10 states and Puerto Rico.

California has OK'd four privately funded road projects with estimated completion dates between 1994 and 1997, and the Dulles Greenway should be open to traffic in 1996. Puerto Rico has identified $325 million of roads it wants to develop; the company Dragados y Construcciones has already begun work on a toll bridge linking San Juan and its nearby airport. Similar toll projects, all of which rely on private-sector investment, are in various stages of development in Texas, Colorado, Illinois, Missouri, Arizona, Florida, Minnesota, and Mississippi.

Robert W. Poole Jr., president of the Reason Foundation and a former adviser to the United States and California Departments of Transportation, believes that private toll roads are the means by which financially strapped state governments can build and maintain new and needed roads.

"Most states are now in various degrees of fiscal distress, and if you look at the share of state budgets that goes to highway and transportation, it's been shrinking the last two decades," says Poole. "If the states were spending enough to properly maintain the existing stock of highways, there would be nothing left for building new ones. There really is a shortage of capital going into the highway field." The toll projects also "weed out pork-barrel projects," since private-sector investors, unlike public officials, will build only where there is strong evidence of the project's necessity.

Although most states do legislate a maximum rate of return, Poole says that since the ceiling is usually between 17 percent and 21 percent, it doesn't scare away potential investors. Between the possibility for a substantial payoff and new "intelligent highway" technologies that eliminate most toll booths, the roads are attractive investments to private companies. ®

California Gov. Pete Wilson (center) helps break ground for America's first private toll road in over half a century.

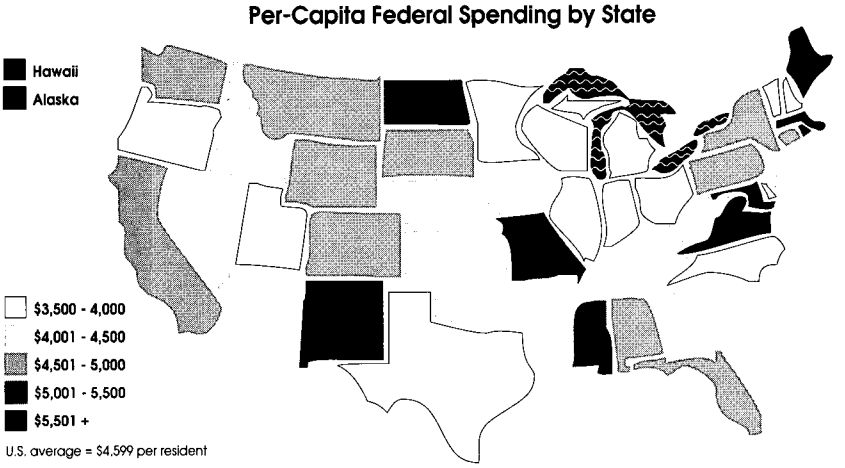
God Rest Ye Merry Taxpayers

By Nick Gillespie

THE END-OF-YEAR HOLIDAYS are marked by gift giving and the settling of accounts. In keeping with the season, the map below indicates the total federal funds allocated to each state on a per-capita basis in fiscal year 1992 (the most recent year for which data are available). However, the federal government is less like Santa Claus and more like a child who borrows money from his parents to buy them their gifts—federal money is, after all, taxes collected from past, present, and future citizens. According to the Office of Management and Budget, total federal receipts for FY1992 were $1.1 trillion, while total outlays were $1.4 trillion, resulting in a $300-billion debt.

Federal allocations to states include grants to state and local governments, salaries and wages paid to federal employees, direct payments to individuals (such as retirement, survivor's, or disability insurance compensation), and payments for government procurement contracts. The average per-capita amount paid to residents in 1992 was $4,599.

Per-Capita Federal Spending by State



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Zoned Out

A local ruling may have broad implications.

By Nick Gillespie

THE PROBLEMS THAT *BEVERLY HILLS 90210* grapples with usually revolve around adolescent angst and teenage trauma. Last fall, however, the Fox network television show had to wrestle with the somewhat more adult world of zoning laws. A recent Southern California court decision denied *90210* a permit to film on location because the site was zoned for noncommerical activity.

The show's producers, Aaron Spelling Productions, hoped to continue using a private home in Hermosa Beach, a beachfront community just south of Los Angeles, as a setting. The show had previously filmed at the location three times, and the new season's plot had several characters moving into a large, three-story house next to the beach.

Spelling Productions applied for and received a one-day filming permit from Hermosa Beach's City Council, but neighbors, upset at the disturbances they felt the activity would cause, went to court to block the filming before it began. A local newspaper, *The Beach Reporter*, quoted one resident as saying, "No matter how considerate these people are, there is basic disruption and commotion."

"Effectively, the ruling will prevent filming [in Hermosa Beach]," says Hermosa Beach City Manager Mary Rooney. According to Rooney, the city may appeal the decision.

While the college-age characters of the popular show might shrug off the court ruling as a minor "bummer," state and local officials interested in sustaining ties with California's third largest industry are taking the matter more seriously. The major concern is that the rationale of the decision could possibly affect on-site filming throughout California.

Beverly Hills 90210: Not in my backyard, say residents in Hermosa Beach, California.

"To have something like this spread statewide would be disastrous for the film industry," says Bob Berkus, a motion picture production analyst for the state's Film Commission. "The potential for a chilling effect is great." ◆

Have Gun, Will Travel

Concealed weapons don't lead to chaos.

By Jacob Sullum

THE CITY OF LOS ANGELES, WHICH FOR two decades refused to issue concealed-handgun permits to private citizens—even to celebrities such as actor Edward James Olmos—agreed to give out 16 in September. As part of a settlement in a lawsuit backed by the Second Amendment Foundation, the Congress of Racial Equality, and the National Rifle Association, the L.A. Police Commission recognized the need for people in "high-risk professions" to carry concealed weapons and gave Police Chief Willie Williams the power to issue carry permits.

L.A.'s reluctance to let people carry guns reflects the fear, shared by officials in many cities, that firearms in private hands can only result in more violence. A recent Independence Institute study finds that such fears are unjustified.

The study's authors, Clayton E. Cramer and David B. Kopel, note that 10 states have adopted laws requiring authorities to issue a carry permit for self-protection to anyone who passes a background check and completes a safety class. They compare murder rates in those states, before and after the laws were adopted, to national trends.

Cramer and Kopel find the most dramatic effect in Florida, where the murder rate was 18 percent to 57 percent above the national average between 1975 and 1986. After the state approved a "non-discretionary" carry-permit law in 1987, the murder rate fell steadily, from 36 percent above the national average in 1986 to about 4 percent below in 1991. Cramer and Kopel attribute the drop to the deterrent effect of the new carry-permit policy.

In the other states, the picture is less clear: Some saw modest decreases in the murder rate relative to the national average, and in a few of these cases the decline seems to be a result of carry-permit legislation. Some states saw slight increases in murders, Kramer and Kopel write, but "in neither large or small states do we see evidence of obvious long-term increases in murder rates after passage of these laws." They conclude that liberal carry-permit laws can do a lot of good, especially in states with high murder rates, and are unlikely to do significant harm.

A 1993 survey by Florida State University criminologist Gary Kleck lends support to that conclusion. Based on interviews with a random nationwide sample of about 5,000 households, Kleck reports that firearms (mostly handguns) are used defensively to prevent criminal acts somewhere between 800,000 times a year (based on memories of the previous five years) and 2.4 million times a year (based on memories of the previous 12 months). ◆

DIEGO UCHITEL

Balance Sheet

By Rick Henderson

Assets

Heartland Revolt. Clinton's budget allies come collecting. Sen. Bob Kerrey (D-Nebr.) and Rep. Tim Penny (D-Minn.) say they made a deal: their votes in exchange for extra spending cuts in the fall. Now Clinton proposes a measly $10 billion in cuts over five years. Not enough, say the Democratic deficit hawks. Penny joins Rep. John Kasich (R-Ohio) to back $103 billion in specific cuts; Kerrey says he'll consider that list and may add more.

Green Acres. Boris Yeltsin moves agriculture privatization forward. A Yeltsin land-reform decree lets farmers in the Nizhny Novgorod region near Moscow own and exchange their land and equipment. One unfortunate concession: Since the program prohibits tenant farming, outsiders may not invest in the newly private farms.

Fund-Raising Drive. The Pentagon owns 175 golf courses, costing taxpayers $6 million a year to maintain. A bill by Sen. Dennis DeConcini (D-Ariz.) and Rep. Gerald Kleczka (D-Wis.) would open these links to the public. *National Journal* reports that civilian golfers might spend $110 million in greens fees a year, with 90 percent going for deficit reduction.

Competitive Edge. A year-long study by McKinsey & Co. concludes that managed trade is bad for business. (See Trends, Feb.) Comparing productivity in nine manufacturing industries, the United States, with its open borders and fewer regulations, beats both Japan and Germany. Says McKinsey Global Institute Director Bill Lewis, "The more open you are, the more productive you become." Take that, Laura Tyson.

Liabilities

Violent Femme. Attorney General Janet Reno says broadcasters must reduce televised violence by January 1. Otherwise, she'll back censorship. (See "TV or Not TV?," Aug./Sept.) "The regulation of violence is constitutionally permissible," she tells the Senate Commerce Committee. Committee Chairman Fritz Hollings (D-S.C.) ups the ante, introducing a bill that limits violence on broadcast TV *and* cable.

Pain in the... The proportion of back-pain cases reported under the Americans with Disabilities Act rises from 14.7 percent at the end of 1992 to 18.6 percent in August 1993. (See Trends, Aug./Sept.) *Forbes* notes that discrimination claims by the blind, the deaf, amputees, and nonambulatory persons have dropped to less than 8.6 percent of all cases.

Unemployment Assurance. Labor Secretary Robert Reich says increasing the minimum wage to $4.75 an hour will have no "additional negative employment effects." If that's so, counters Rep. Martin Sabo (D-Minn.), the House budget chairman, let's raise it to $6.50 an hour. Sabo is serious. Where are those New Democrats are hiding?

K Street Kids. Maryland forces its high-school students to perform community service before they graduate. To promote the program, the Department of Education commissions a poster depicting a "mountain" of community service. A student ascends the rock face, into which is carved messages urging "Tree Planting," "Working in a Nursing Home," and "Helping in a Soup Kitchen." And what noble activity lies at the summit? "Lobbying."

Lobbies' Lobby

Fighting restrictions on advocacy

By Rick Henderson

What do the American Conservative Union, the Fund for a Feminist Majority, the National Right to Life Committee, People for the American Way, the Term Limits Legal Institute, and Gun Owners of America have in common? They are all members of the Free Speech Coalition, formed in October to fight government restrictions on grass-roots advocacy.

The coalition opposes such ideas as a proposal by Sen. Ted Stevens (R-Alaska) to boost nonprofit postage rates. Stevens argues that these discounted rates cause the Postal Service to lose money. Wrong, say coalition legal counsels William Olson and Mark Weinberg. Third-class nonprofit rates not only cover mailing costs in full, but nonprofit groups must pay additional fees that help defray the Postal Service's general overhead costs.

Meanwhile, the Senate has passed a bill sponsored by Sen. Carl Levin (D-Mich.) that would redefine lobbying in the eyes of government regulators. For tax purposes, the Internal Revenue Service has ruled that "lobbying" occurs only when an organization asks a member of Congress to vote for or against a specific bill. Levin's bill would require any group that takes a position on a public issue—even when, say, the American Red Cross encourages flood relief—to register as a lobbyist and disclose its funding sources.

Sometimes the government attacks specific groups. Texas officials are trying to force the Ku Klux Klan to surrender its list of members and donors. Anthony Griffin, a 39-year-old African-American attorney from Galveston, is representing the Klan. Griffin argues that Texas officials are using the same tactics that were ruled unconstitutional when Southern segregationists tried to force donor lists from the NAACP and the Black Panther Party. In the 1950s, the Supreme Court held that political activists and donors have the right to maintain their anonymity.

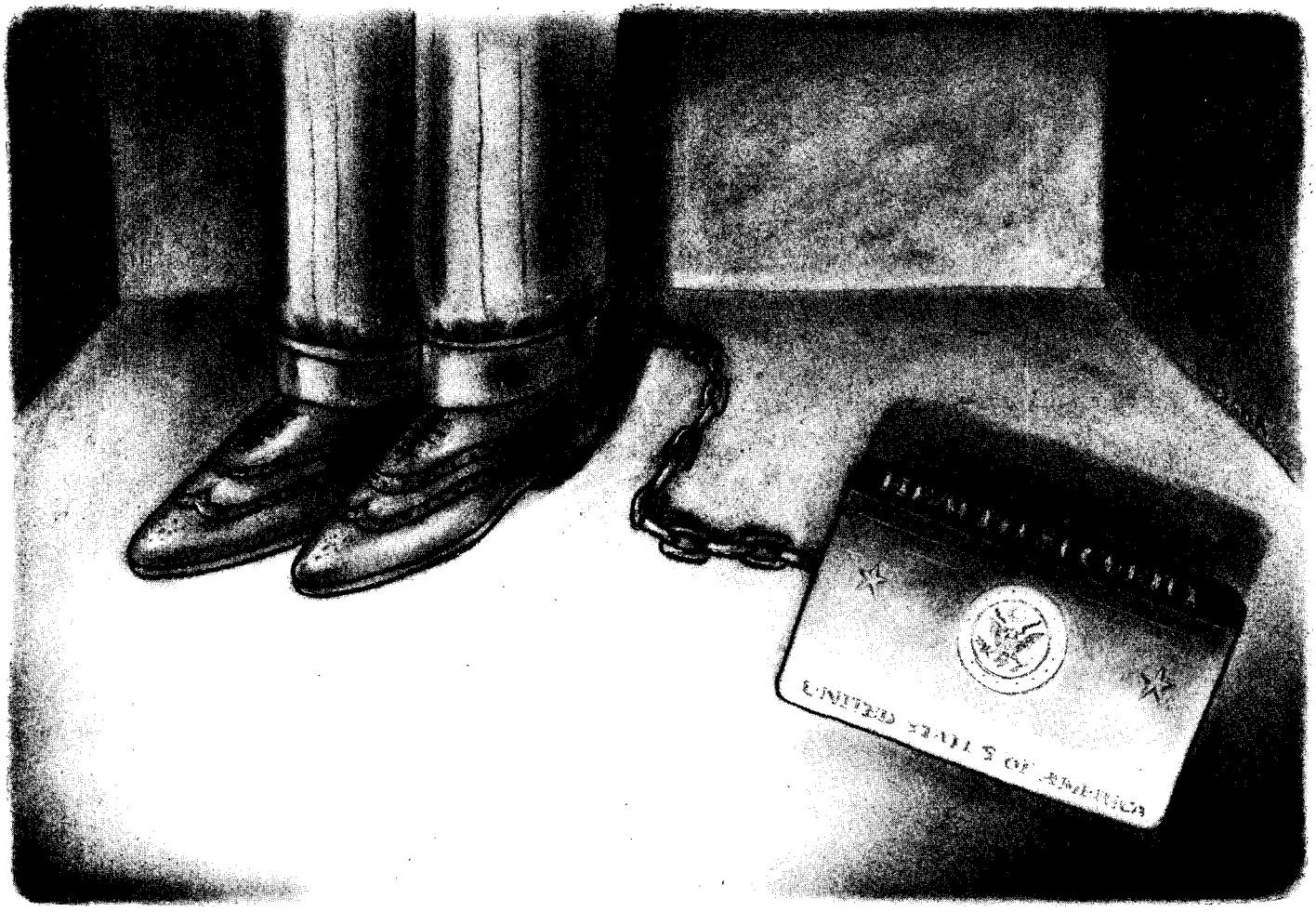
By David Kelley

The Rights Angle

Ideas and their health-care consequences

PRESIDENT CLINTON, WHO RAN FOR OFFICE by attacking the hostile takeovers of the 1980s, is now proposing a hostile takeover of his own, a hostile takeover on a scale far beyond anything that Wall Street capitalists ever dreamed of, a hostile takeover of one-seventh of the nation's economy—the health-care industry.

The Clinton plan in its present form involves a massive increase in government control over physicians, insurers, employers, and—last but certainly not least—the patients who are supposed to be the beneficiaries of the plan. Most people will be forced to obtain their health insurance through purchasing cooperatives: government-backed monopolies that collect payments from consumers and set the terms on which medical providers can offer their services. Everyone will be forced to buy health care through these monopolies, with employers forced to pay the lion's share of the bill. Physicians, hospitals, and HMOs will be prohibited from dealing with patients directly; they will be forced to offer their services through the purchasing cooperatives, subject to highly restrictive rules.



BRIAN RASZKA

Clinton's assumption is that the needs of recipients take precedence over the rights of producers—the rights of physicians, hospitals, insurers, and drug companies, as well as of the taxpayers who must pay for it all. Those with the ability to provide health care are obliged to serve, while those with a need for health care are entitled to demand.

What has brought us to this state of affairs? Socialism has collapsed in the Soviet Union. The nations of Western Europe are trying to trim back their welfare states, desperately looking for ways to privatize. Yet in this country we are on the brink of a massive increase in government subsidies and government controls. Why?

The full story is a long and complicated one, but the essential cause is simple. It is the assumption that if people have medical needs which are not being met, it is society's responsibility to meet them. In the current debate over health-care reform, universal access has become the unquestioned goal, to which all other considerations may be sacrificed. It is the one point on which the Clintons have declared themselves unwilling to compromise. The assumption is that the needs of recipients take precedence over the rights of producers—the rights of physicians, hospitals, insurers, and drug companies, as well as the rights of the taxpayers who are going to have to pay for it all. In other words, those with the ability to provide health care are obliged to serve, while those with a need for health care are entitled to make demands.

Indeed, it is often said that the need for health care constitutes a right. President Clinton campaigned with the slogan, "Health care should be a right, not a privilege." Opinion polls regularly show that the belief in such a right is widespread, even within the medical profession. If health care *is* a right, then government is responsible for seeing that everyone has access to it. It is this idea that has driven health-care policy for the past 30 years. A "right" to health care was granted to the poor through the Medicaid program and to the elderly through Medicare. Now the Clinton administration proposes to create a universal entitlement and vastly to expand government control.

But there is no such right. The attempt to implement this alleged right leads in practice to the suspension of the genuine rights of doctors, patients, and the public at large. Indeed, the very concept of such a right is corrupt in theory.

Liberty vs. Welfare Rights

A RIGHT IS A PRINCIPLE specifying something that an individual should be free to have or do. A right is an entitlement, something you possess free and clear, something you can exercise without asking anyone else's permission. Because rights are entitlements, not privileges or favors, we do not owe anyone else any gratitude for their recognition of our rights. When we speak of rights, we invoke a concept that is fundamental to our political system. Our country was founded on the principle that individuals possess the "unalienable rights" to life, liberty, and the pursuit of happiness. Along with the right to property, which the Founding Fathers also regarded as fundamental, these rights are known as liberty rights, because they protect the right to act freely.

The wording of the Declaration of Independence is quite precise in this regard. It attributes to us the right to the *pursuit* of happiness, not to happiness per se. Society can't guarantee us happiness; that's our own responsibility. All it can guarantee is the freedom to pursue happiness. In the same way, the right to life is the right to act freely for one's self-preservation. It is not a right to be immune from death by natural causes, even an untimely death. And the right to property is the right to act freely in the effort to acquire wealth, the right to buy and sell and keep the fruits of one's labor. It is not a right to any kind of dowry from nature or from the state.

The purpose of liberty rights is to protect individual autonomy. They leave us responsible for our own lives, for meeting our own needs. But they provide us with the social conditions required to carry out that responsibility: the freedom to act on the basis of our own judgment, in pursuit of our own ends, and the right to use and dispose of the material resources we have acquired by our efforts. Liberty rights reflect the assumption that individuals are ends in themselves who may not be used against their will for social purposes.

We should consider what these liberty rights mean in regard to medical care. If we implemented them fully, doctors would be free to offer their services on whatever terms they chose. Prices in particular would be determined not by government fiat but by competition in a market. Patients would be free to choose the type of care they wanted and the particular health-care providers they wanted to see, in accordance with their needs and resources. They would be free to choose whether they wanted health insurance and, if so, in what amounts and for what risks.

Since this is an imaginary state of affairs, I cannot predict what mix of private practitioners, HMOs, and other sorts of health plans would emerge. But market forces would tend to ensure that pa-

Why does the need for medical treatment give someone a right to health care? Fifty years ago, people whose kidneys were failing needed dialysis as much as they do today, but there were no dialysis machines. Did they have a right to protection against kidney failure? Was Mother Nature violating their rights by making their kidneys fail without a remedy?

tients would have more choices than they do now, that they would act more responsibly than many do at present, and that they would pay actuarially fair prices for health insurance—prices that reflect the actual risks associated with their age, physical condition, and lifestyle. No one would be able to shift his costs onto someone else. In a truly free market, finally, there would be no tax preference for obtaining health insurance through employers, so most people would probably buy health insurance the way they buy life insurance, auto insurance, or homeowner's insurance—directly from insurance companies. They would not have to fear that losing their job or changing jobs would mean losing their coverage.

That is what liberty rights—the classical rights to life, liberty, and property—would mean in practice. The so-called right to medical care is quite different. It is not merely the right to act—to seek medical care and engage in exchanges with providers, free from third-party interference. It is a right to actual care, regardless of whether one can pay for it. The alleged right to medical care is one instance of a broader category known as welfare rights. Welfare rights in general are rights to goods: a right to food, shelter, education, a job, etc. This is one basic way in which they are quite different from liberty rights, which are rights to freedom of action but don't guarantee that one will succeed in obtaining any particular good one may be seeking.

Another difference has to do with the obligations imposed on other people. Every right imposes some obligation on others. Liberty rights impose negative obligations: the obligation not to interfere with one's liberty. Such rights are secured by laws that prohibit murder, theft, rape, fraud, and other crimes. But welfare rights impose on others the positive obligation to provide the goods in question. Health care does not grow on trees or fall from the sky. The assertion of a right to medical care does not guarantee that there is going to be any health care to distribute. The partisans of these rights demand, with an air of moral righteousness, that everyone have access to this good. But a demand does not create anything. Health care has to be produced by someone and paid for by someone.

One of the major arguments offered by supporters of a right to health care is that health care is an essential need. What good are our other liberties, they ask, if we cannot get medical treatment for illness? But we must ask, in return: Why does need give someone a right? Fifty years ago, people whose kidneys were failing needed dialysis every bit as much as they do today, but there were no dialysis machines. Did they have a *right* to protection against kidney failure? Was Mother Nature violating their rights by making their kidneys fail without a remedy? It makes no sense to say that need itself confers a right unless someone else has the ability to meet that need. So any "right" to medical care imposes on someone the obligation to provide care to those who cannot provide it for themselves.

If I have such a right, some other person or group has the involuntary, unchosen obligation to provide it. I stress the word *involuntary*. A right is an entitlement. If I have a right to medical care, then I am entitled to the time, the effort, the ability, the wealth, of whoever is going to be forced to provide that care. In other words, I own a piece of the taxpayers who subsidize me. I own a piece of the doctors who tend to me.

The notion of a right to medical care goes far beyond any notion of charity. A doctor who waives his bill because I am indigent is offering a free gift; he retains his autonomy, and I owe him gratitude. But if I have a right to care, then he is merely giving me my due, and I owe him nothing. Thus if others are forced to serve me in the name of my right to care, then they are being used regardless of their will as a means to my welfare. The very concept of welfare rights is incompatible with the view of individuals as ends in themselves.

The difference between charity and rights is very well understood by the advocates of a right to health care. One of their main arguments for using the language of rights is that it removes the alleged stigma associated with charity. A right is something for which you don't owe anyone any gratitude. But notice the contradiction here. On the one hand, the advocates of this right argue that many people cannot provide for themselves, and are thus dependent on society—i.e., on other individuals—for their medical care. On the other hand, they insist on using the concept of rights to disguise the fact of dependence, to allow the recipients of government subsidies to pretend that they are getting something they earned.

It is also worth noting that the Supreme Court has never recognized a constitutional basis for any welfare right, including the right to medical care. The Court recognizes that the concept of rights embodied in our legal system is the concept of liberty

One major consequence of implementing a right to health care is the increased burden imposed on consumers of health care—the ones who originally didn't need government subsidies. As taxpayers they must pay for all the programs, and as consumers they are affected by all the market distortions that universal care programs will create.

rights. Welfare rights are a product of later movements to expand the role of government beyond its original conception. To appreciate the significance of this point, consider the following comment from an advocate of the right to medical care, William J. Curran, writing in the *New England Journal of Medicine* in 1989: "If such a right were recognized [as part of the Constitution], legislatures and public agencies would be required to provide access to health care. The defense could no longer be used that the legislature provided no funds for such services." In other words, if there actually were a constitutional right to health care, then any individual could bring suit to force the government to institute health-care programs and impose taxes to pay for them.

Effects of a Right to Health Care

NO MATTER HOW A RIGHT to health care is implemented, through the courts or through an act of Congress, the results will be the abrogation of liberty rights. As with money, bad rights drive out good ones. Let's review the major consequences of implementing a right to medical care. I am going to use illustrations from our current situation, but these consequences follow inevitably from any approach: single payer, managed competition, or whatever.

To begin with, of course, the government has to tax some people to pay for medical subsidies offered to those it considers to be in need. So the first consequence of implementing a "right" to medical care is forced transfers of wealth from taxpayers to the clientele of programs like Medicare and Medicaid. And this inflates the demand for health-care services. It is possible that some of the wealth taken from taxpayers would have been spent on health care anyway. But offering free or heavily subsidized care to the indigent is inevitably going to increase overall use of the health-care system.

Figures from the early years of the Medicaid program indicate the vast increase in demand that can result. According to a Brookings Institution study, in 1964, before Medicaid went into effect, the non-poor saw physicians about 20 percent more frequently than the poor; by 1975, the poor were visiting physicians 18 percent more often than the non-poor. In 1963, among those with incomes under $2,000, there were only half as many surgical procedures as among those with incomes of $7,500 or more; by 1970, the rate for low-income people was 40 percent higher than for those with middle-class incomes. When Medicare was instituted in 1966, the House Ways and Means Committee estimated that by 1990, allowing for inflation, the program would cost $12 billion; the actual figure was $107 billion. (See "The Medicare Monster," January 1993.)

The cost explosion leads to the second major consequence of implementing a "right" to medical care: restrictions on the freedom of health-care providers. During the debate over health-care policy in the 1960s, proponents of Medicare and Medicaid assured doctors that they wanted only to pay for indigent care and had no intention of regulating the profession. Abraham Ribicoff, the Kennedy administration's first secretary of Health, Education, and Welfare, said, "It should be absolutely no concern to a physician where a patient gets the money."

But, of course, the surge in demand for medical care led to rapid price increases along with abuses of the system by clients of the government programs as well as by unscrupulous doctors and hospitals. These problems had to be addressed somehow, and the result was a growing web of controls: Professional Standards Review Organizations, Diagnosis-Related Groups, restrictions on balance billing, utilization reviews, certificates of need. As Nixon's undersecretary of HEW, John G. Veneman, said in 1971, "In the past, decisions on health care delivery were largely professional ones. Now the decisions will be largely political." The effects of the labyrinthine system of controls have been described very well by Dr. Maurice Sislen: "A huge, complex, policing system has taken the place of what used to be the doctor's responsibility to his patient. Probably only a practicing physician can fully appreciate the magnitude of the economic waste and moral degradation involved."

A third major consequence of implementing a right to health care is the increased burden imposed on consumers of health care—the ones who were originally not in need of government subsidies. As taxpayers, of course, they have to pay for all the programs. But as consumers, they are also affected by all the market distortions that these programs create. Everyone pays the higher prices caused by the inflation of demand for medical services, together with the increased costs of regulation and paperwork. As people are priced out of the system, they are forced into managed care systems that limit their choices of doctors.

Health insurance stipulations by states raise the cost of insur-

A political system that tries to implement a right to health care will necessarily require forced transfers of wealth, loss of freedom for health-care providers, higher prices and more restricted access for all consumers, and a trend toward egalitarianism. These consequences are not accidental. They follow from the nature of the alleged right.

ance, and discourage employers from hiring certain kinds of workers. For example, "community rating" laws require insurance companies to offer policies for the same price to all people, regardless of age, lifestyle, or physical condition. Since the actual risks depend on these factors, community rating means that the young must pay higher prices to subsidize the elderly, the well must subsidize the sick, and those with healthy lifestyles must subsidize those with unhealthy ones. As an indication of the kind of subsidy involved, community rating in New York nearly tripled the cost of insurance for 30-year-old males.

Yet another consequence is a growing demand for equality in health care. If something is a human right, after all, then it should be protected equally for all persons. Our system is based on the idea of equality before the law. If we plug into this system the idea that we all have a legal right to some good such as health care, the natural inference is that we all ought to receive that good on a more or less equal footing. Indeed, in a 1989 survey for the Harvard Community Health Plan, 90 percent of the respondents said that everyone should have "a right to the best possible health care—as good as a millionaire." Here's another example, a statement by Horace Deets, the executive director of the American Association of Retired Persons: "Ultimately, we must recognize that health care is not a commodity. Those with more resources should not be able to purchase services while those with less do without. Health care is a social good that should be available to every person without regard to his resources." This idea has worked its way into the Clinton plan, which declares that "equality of care" is among "the ethical foundations of health reform" and states that "the new health-care system...should avoid the creation of a tiered system."

To summarize, then, a political system that tries to implement a right to health care will necessarily involve: forced transfers of wealth to pay for programs, loss of freedom for health-care providers, higher prices and more restricted access for all consumers, and a trend toward egalitarianism. These consequences are not accidental. They follow necessarily from the nature of the alleged right.

The Clinton Plan

THE CLINTON PLAN for "managed competition" will not escape any of these consequences. On the contrary, it will magnify them. It will be far more destructive of our liberties than anything we have experienced so far.

The plan calls for a further extension of health-care subsidies to those who are currently uninsured and to those who have health coverage less extensive than the proposed standard package of benefits. Where are these subsidies going to come from? The administration has rejected the so-called single-payer system—that is, overtly socialized medicine, in which the government pays all the bills—because it knows that the government *cannot* pay all the bills. The necessary tax increases would be politically impossible. So the Clinton plan calls for a nominally private system in which regulations force some people to subsidize others.

At the heart of the plan are the local health alliances: government-protected monopolies which will collect premiums and negotiate with health-care providers to offer acceptable plans. Virtually everyone who lives in a given area will be forced to obtain health insurance through the local monopoly health alliance. Health-care providers—private practitioners, HMOs, and others—will not be able to deal directly with individuals. They can offer their services only through the health alliances, subject to the conditions it imposes.

One such condition is guaranteed access: Every plan must be willing to accept any individual who wants it; no one may be excluded for any reason. Another condition is community rating: The price of the plan must be the same for everyone. Consider the effects these provisions will have on incentives. If I know that when I get sick I will be able to enroll in any plan I want, at a price that does not reflect my condition, then I have no reason to pay for health insurance while I am well. If people are free to choose whether to obtain and pay for a policy, the only people enrolling will be the sick, and costs will go through the roof. So the system works only if everyone is forced to participate. That is exactly what the proposal requires, and although the details of the proposal keep changing, this is one point that cannot change.

At the national level, the system will be governed by a National Health Board whose two main functions will be to determine the standard package of minimum benefits and to limit health-care spending by imposing some form of direct or indirect price controls on drug companies, insurers, or health-care

The freedom to interact with others on a voluntary basis is vital not only for doctors but for patients. It is only in a context of freedom that one person's need is not a threat to others. It is only in a context of freedom that genuine benevolence among people is possible. It is only in a context of freedom that the medical progress which has brought so many benefits to all of us can continue.

providers. The standard package of benefits—the same package for every individual in the country—will be set by interest-group lobbying, as every group in the health-care field will try to get its services included in the package. For example, the current definition of the package includes mental-health and substance-abuse counseling. You may feel that you do not need insurance for these services, but you are going to pay for them.

In short, the administration's efforts to implement a universal right to health care will require a massive exercise of coercion against individuals, far beyond anything we have seen to date.

Moral Foundation

IF YOU BELIEVE in liberty rights, then it's inconsistent to believe that there's such a thing as a right to health care. The rights of liberty are paramount because individuals *are* ends in themselves. We are not instruments of society, or possessions of society. And if we are ends in ourselves, we have the right to be ends *for* ourselves: to hold our own lives and happiness as our highest values, not to be sacrificed for anything else, not subject to involuntary obligations to serve the good of others.

Many people are afraid to assert their rights and interests as moral absolutes, because they are afraid of being labeled selfish. So it is vital that we draw certain distinctions. What I am advocating is not selfishness in the conventional sense: the vain, self-centered, grasping pursuit of pleasure, riches, prestige, or power. Genuine happiness results from a life of productive achievement, of stable relationships with friends and family, of peaceful exchange with others. The pursuit of our self-interest in this sense requires that we act in accordance with moral standards of rationality, responsibility, honesty, and fairness. If we understand the self and its interests in terms of these values, then I am happy to acknowledge that I am advocating selfishness.

We have to draw the same distinctions when we think about altruism. For it is, in the end, the moral code of altruism that makes people think that need is primary, that need gives one a right to the ability and effort of others. In the conventional sense, altruism means kindness, generosity, charity, a willingness to help others. These are certainly virtues, so long as they do not involve the sacrifice of other values, and so long as they are a matter of personal choice, not a duty imposed from without. I might note in this regard that physicians have historically been extremely generous with their time.

In a deeper, philosophical sense, however, altruism is the principle that one person's need is an absolute claim on others, a claim that overrides their interests and rights. So, as Dr. Edmund Pellegrino declares in *JAMA*, "A medical need in itself constitutes a moral claim on those equipped to help." This principle has often been asserted by thinkers who are opposed to individualism, and it is the basis for the doctrine of welfare rights. It is the reason advocates of government involvement in health care can take for granted that the needs of patients are primary and that everyone else can be forced to provide for those needs.

No rational basis for this principle has ever been offered. In fact, our needs have to be satisfied by production, not by taking from others. And production comes from those who take responsibility for their lives, who apply their minds to the challenges we face in nature and find new ways of meeting those challenges. Ayn Rand said it best, in her novel *The Fountainhead*: "Men have been taught that the highest virtue is not to achieve, but to give. Yet one cannot give that which has not been created. Creation comes before distribution—or there will be nothing to distribute. The need of the creator comes before the need of any possible beneficiary." The creator's need, in any field, is the freedom to act, the freedom to dispose of the fruits of his labor as he chooses, and the freedom to interact with others on a voluntary basis, by trade and mutual exchange.

That freedom is a vital need, not only for doctors but for patients. It is only in a context of freedom that one person's need is not a threat to others. It is only in a context of freedom that genuine benevolence among people is possible. It is only in a context of freedom that the medical progress which has brought so many benefits to all of us can continue.

The problems of our current system were caused by government. More government is not the solution. But we must oppose the expansion of government control *in principle*, by rejecting spurious claims of a "right" to health care and insisting on our genuine rights to life, liberty, property, and the pursuit of happiness. ®

David Kelley is executive director of the Institute for Objectivist Studies, based in Poughkeepsie, New York.

By Richard D. Mohr

Clinton's Protection Racket

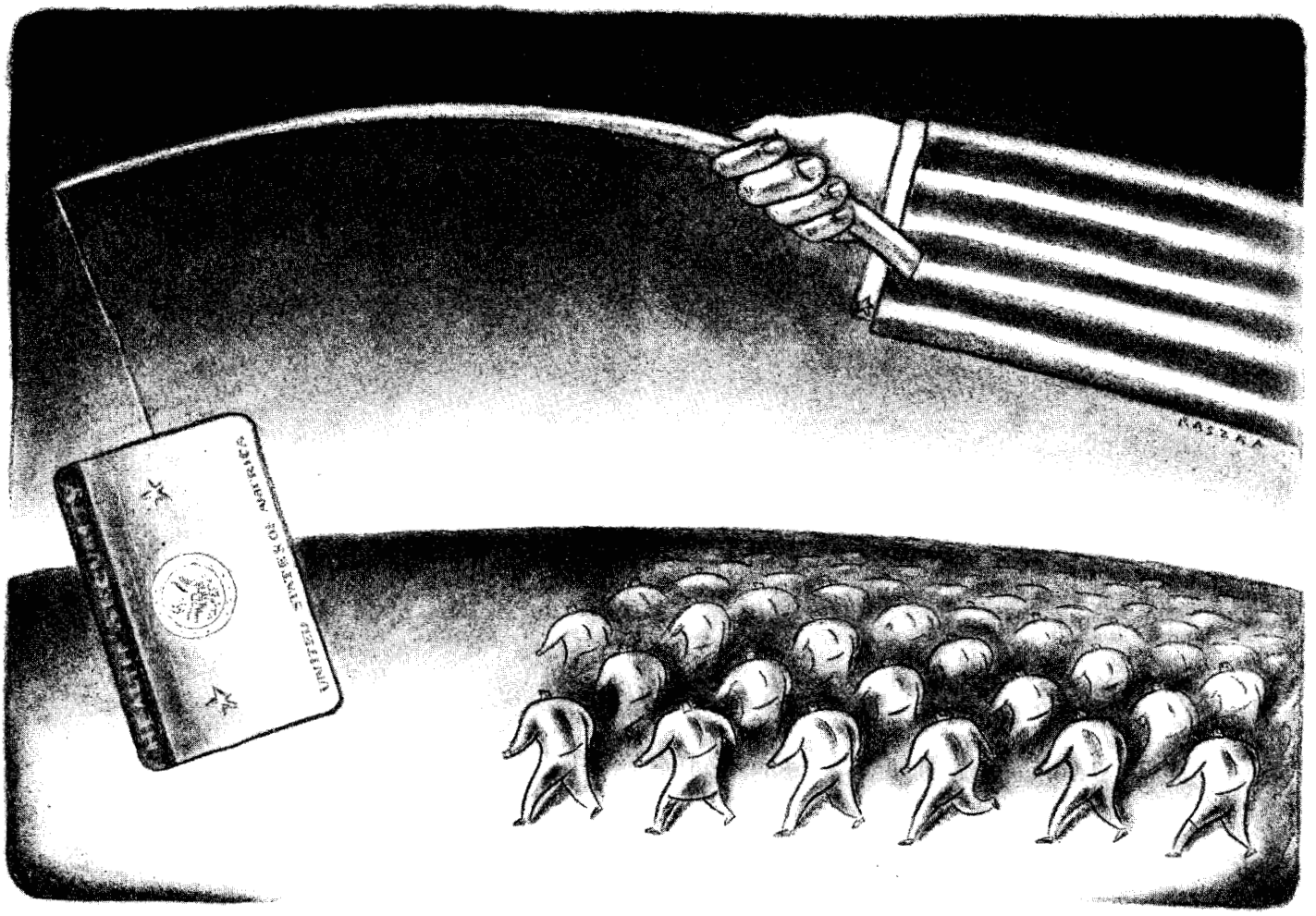
The price of health-care "security"

A Sign

PRESIDENT CLINTON prefaced his September 22 televised speech to Congress on what he called the "principles" of his national health-care plan with a request for a moment of silence for the 47 people who earlier in the day had drowned in an Alabama bayou after a train derailment. It was a nice touch; it seemed a caring touch. But it was hardly an honest one. He failed to mention that the innocent victims had been killed by a federal bureaucracy: Amtrak. If federal bureaucracies can't run trains without killing masses of people, should we entrust our bodies to their care?

The speech proper began with Clinton showing the nation a freshly minted plastic card which all citizens and legal aliens would be required to carry. The card would guarantee health care, but it would also do something else. What "conservatives" even at the height of the McCarthy era could not mandate in the name of national security, with the stick of a national identity card, the Clinton health plan would achieve with the carrot of a health card: federal surveillance, placing every citizen at the call of government.

My chief worry about Clinton's national health-care plan is not its thinning effect on the nation's wallet. If taxes were all that



BRIAN RASZKA

Security is not simply a good in itself. To suppose that security and its friends, permanence, unity, and order, are, without more, goods so great that the government may coercively impose them is a view that might properly be called aesthetic fascism.

it took to realize national health care, I'd be for it. But even if the numbers could magically add up, I'd still be against it. My worry is that the plan will reconfigure the way the country conceives of itself—that its costs will be to the nation's soul. In particular, I think the plan likely to have a devastating effect on civil liberties, those elusive and always fragile rights by which individual liberty is preserved and which the Declaration of Independence announced as the very purpose of good government: "to secure these rights governments were instituted among men." Clinton's health-care plan, I fear, is totalitarianism with a happy face.

Security as a Good

Health card in hand, Clinton laid out the goal of the plan: to provide security. Everything else in the plan was to be evaluated based on whether it helped achieve this end. Clinton left vague—taking it as obvious—what sort of good security is. He wisely shied away from speaking of health-care security in the language of rights. For if health care is a right to demand things from government, absurd consequences follow. Suppose that some pill that costs $2 billion will save my life. If health care is a right, the government will have to provide it to me. But no one thinks I have any such legitimate claim on government. Health-care security is not a right.

But neither is security something that is simply good in itself. To suppose that security and its friends, permanence, unity, and order, are, without more, goods so great that the government may coercively impose them is a view that might properly be called aesthetic fascism. No, security is a good only because it enables people to carry out their life plans, the courses of action that they have chosen for themselves, and to carry out these plans in ways that respect other people's ability to do the same. No one can conceive or carry out a life plan in a state of chaos. Security is good to the extent that it promotes personal independence, the most important dimensions of which have constitutional standing in the fundamental rights of speech, religion, privacy, and due process.

This understanding of security gives us a yardstick for measuring the success of a health-care plan: Its cost cannot be the very things that justify its existence. And the nature of power in the modern era virtually guarantees that the costs to liberty of generating health-care security far exceed the liberty that government-provided health care might promote. Indeed, even in our current messy, non-comprehensive system of government-subsidized health care, we may already be beyond that point of diminishing returns to liberty.

Thinkers as politically and analytically diverse as Alexis de Tocqueville, John Stuart Mill, and Michel Foucault have all noticed that power in the modern era does not operate on a model of a king hamfistedly knocking off those he doesn't like. In that medieval model, if you simply avoid the king's wrath, you are free to do as you please. Power today does not have the discrete, isolated, avoidable forms of king or namable tyrant. Rather, it is diffused and permeating; it is ever more ramified and sinuous but all the more penetrating and controlling for pulsing at the capillary level of society. You cannot avoid its lacy netting, spread everywhere. Power now operates more by lure and surveillance than by pushing and shoving. It controls more often by gaze and attitude than by threat and violence.

Indeed, the more bureaucratic your setting, the more likely that you are to be controlled in millions of small ways rather than in any one big way—say, by a gun held to the head. You are no less controlled, but you are less likely to notice. Explosion-accelerated lead may be the most effective way to kill the body, but committees—requiring, as they do, being nice to evil—are the most effective way to kill the soul.

In a bureaucracy, how well you do has nothing to do with talent, skill, effort, and creativity. Rather, it has nearly everything to do with how you get along with others. This explains how even honest cops support and make possible the corrupt activities of cops on the take. How much worse, then, is the problem of conformity in administrative settings. Bureaucrats are the shock troops of convention; committees, the weak acids where individualism is inexorably dissolved and dispersed into community values. They are the sinkholes of the moral landscape, the mass graves of ideas.

And of the various possible national health-care plans, Clinton has chosen the most bureaucratic, the one dubbed by its adherents "managed competition." The oxymoron is telling. A contradiction is built right into the title: Competition is a dimension of freedom, while management is a dimension of coercion. By contrast, the euphemistically titled "single-payer" system—socialized medicine like the Canadian system, in which health care is both provided and paid for directly by the government—at least has the advantage of a reduced bureaucracy. Single-payer systems, supported by such left-leaning Democrats as Rep. Pete Stark (Calif.) and Sen. Paul Wellstone (Minn.), add new government health-care bureaucracies but eliminate both the huge HMO bureaucracies and the insurance-industry bureaucracies. The

The courts have already ruled that what we do to our bodies is not for us, but for the state, to decide. Clinton now wants us to cross the final barrier by submitting our very bodies to the care, and thus control, of government.

Clinton plan, on the other hand, adds three new bureaucracies to the current messy system.

First, everyone is forced to join something called a health-care "alliance." These are still largely mysterious, quasi-governmental bureaucracies that both oversee and compel the arrangement of insurance-industry-run HMOs. They operate at the state level. In turn, there is to be a new, seven-member National Health Board, which through an elaborate bureaucracy evaluates, oversees, and regulates all other elements of the system: the alliances; those paying for the plans (employers, the self-employed, the government); those delivering services (basically HMOs and a handful of struggling free-lance doctors and hospitals); and patients. Finally, Clinton proposes a new quasi-judicial bureaucracy to deal with the welter of legal challenges that will arise along every filament of the national health-care web.

There will be some consolidation in the system but not of a helpful, freedom-generating kind. According to a *New York Times* analysis, the vast majority of the country's 500 or so insurance companies will go out of business, leaving the field to the five largest. The variety, odd interstices, and looseness at the joints—collectively, the sites for choice—that a large number of companies doing business of the same type provide will be wholly lost in the new system. Indeed, the Big Five insurance companies will be so similar in their government-mandated "standard package of benefits" and so closely monitored and controlled by various boards that they will hardly be independent of government. In turn, government, by putting all its chips on only five companies, will hardly be independent of them. The resulting tangle will not be a Soviet-style government running of business. Rather, it will be like the interpenetration of big business and government in contemporary Japan or, even more so, in 1930s Italy. We will have arrived at the corporate state.

A Lesson from History

THAT CIVIL LIBERTIES CANNOT HOLD out against government bureaucracies in America is not a matter of speculation, for we have already had plenty of experience of their conflict and liberty's loss in the nation's welfare programs—programs that are traditionally justified on the same grounds of security and compassion now tendered for health-care reform. The lesson from the history of the welfare state is that bureaucrats and administrators destroy freedom more thoroughly than do the police, for they are so much more pervasive in their meddling, penetrating in their probing, and avid in their pursuits.

Consider the case of Barbara James. She received public aid to feed her child. When she declined to let the welfare brigades rummage through her apartment to look for evidence of abuse and fraud—though there was no probable cause or even reasonable suspicion to believe that she was abusing her child or defrauding the state—the government cut off the child's food money. In 1971, the Supreme Court held that it was all right for the government to punish James that way, because 1) the rummaging was not a search, 2) if it were a search, it was a reasonable one, and 3) even if it were an unreasonable search, by accepting the food money for her child, the mother had voluntarily waived any right against unreasonable searches—and all this at the height of the Court's liberal trajectory. What the police could not have begun to think to do, bureaucracy did with impunity. In dissent, Justice William O. Douglas pointed out that the Court was simply allowing the government "to buy up rights guaranteed by the Constitution. But for the assertion of her constitutional rights Barbara James would have received the welfare benefit."

The history of the government buying up rights did not stop there. Indeed, the Court has held that wherever government funds flow rights ebb. This erasure of rights by money extends even into the First Amendment and into doctor-patient confidentiality. In the 1991 case, *Rust v. Sullivan*, the Court ruled that the presence of government money makes gag orders OK. A doctor may tell his patients only what the government wants him to say if the doctor works anywhere that receives government funds. After the establishment of ClintonCare, no doctor will receive only private funds; all will be pressured into joining government-subsidized HMOs, with attendant loss of freedom for both doctor and patient.

The courts have already ruled that our bedrooms are not our own—that what we do *to* our bodies is not for us, but for the state, to decide. Clinton is now inviting citizens to take the next step and submit their very bodies to the care and so control of government. If the nation accepts the invitation, the last natural barrier to government control of individuals will have been crossed, and there will be no sector of life where the interests of individuals in their life plans will take precedence over the power of government.

Responsibility vs. Rights

THE LAST PRINCIPLE of the president's speech was "responsibility"—his communitarian euphemism for coercion. He advanced

The AIDS crisis provides the best example of how socialized medicine cheapens life. The French health ministry gave some 1,000 hemophiliacs clotting serum it knew was infected with the AIDS virus—simply as a cost-saving measure.

the communitarian saw that there is no right without a corresponding responsibility (by which he emphatically did not mean the "negative" responsibility to respect the rights of others): "We need to restore a sense that we're all in this together and that we all have a responsibility to be a part of the solution." But this chestnut that rights entail positive responsibilities is simply false: I have a right to life—a right not to be killed unjustly—even if I've contributed not one cent or erg to the government's or community's projects.

Worse than false, the chestnut is dangerous, for it completely undercuts our understanding of what rights are. What counts as a "responsibility" justifying state coercion will always simply be a matter of majoritarian practices. So if no right can exist without entailing such responsibilities, there will be, after all, no rights—no claims against government that cannot be defeated by majoritarian, democratically enacted power.

Already, health-care costs are used to justify paternalistic measures, from cigarette taxes to laws requiring people to wear seat belts and motorcycle helmets. In his speech, Clinton told us that "responsibility means changing some behaviors in this country that drive up our costs like crazy." But whose pleasure is going to be counted as a poison requiring government regulations, "sin taxes," or bans will again simply be a matter of majority rule. It is not surprising, then, that all the president's examples of responsibilities calling for coerced compliance called to mind already-disfavored groups in society. These examples included: gang wars (already illegal, so read black youth) and teenage pregnancy (again, read black youth), and AIDS (read gays and drug users). Nothing popular but deadly, like driving automobiles, was on the list of "some behaviors" that had to be stopped.

Worse still, as a general style of thought, the rationales behind national health-care plans invert the proper relation between rights and social efficiency, and in doing so subvert the sanctity of life. Individual rights are trumps over social utility. We let many criminals "walk" because of the importance we place on the value of privacy as enshrined in the Constitution's Fourth Amendment. By giving up social efficiency, we ritualistically and culturally affirm privacy as sacred, just as through a tithe an individual reveals and certifies his deepest religious beliefs. More generally, the social inefficiency required by constitutional rights is the sacrifice society is willing to make to certify as sacred the value of individual human life and choice. By contrast, national health-care plans, committed as they must be to cost-benefit analyses, necessarily cheapen life.

Under our current messy system, life can be tragic or sacred; under social medicine, it can be neither, for everything, including life, has a single, bureaucratically determined price. Under our current system, hospitals will do things that seem crazy from their accounting departments' point of view; they will spend millions of unrecoverable dollars to save the life of a single one-pound baby, which, even with such efforts, will live for only a few months. The money would have saved more lives in general if it had been donated to immunization programs or to research and development on childhood diseases. But this seemingly irrational expenditure makes perfectly good sense as a ritual that confers sacred value on individual human life.

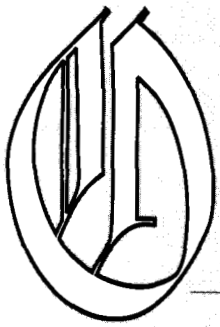
Under social medicine, as in Oregon's health-care plan, every disease necessarily has a price; whether you are cured or not depends on how much your disease costs the government. The assessment of the value of people here is assimilated to the same models of thinking by which we evaluate crop subsidies, the efficiency of engines, and the price of beans.

The AIDS crisis has provided the clearest example of the cheapening of life though the calculations of socialized medicine. In the mid-1980s, the French health ministry gave to more than 1,000 hemophiliacs clotting serum that the government fully knew was infected with the virus that causes AIDS. The government did so as a cost-saving measure. How much is life worth under socialized medicine? A few sous. When it's one for all and all for one, no one is worth much.

People who have good intentions but are eager to do something quickly are those most likely to enact policies that destroy rights. Clinton has said he wants to preempt federal law to speed health-care regulations into effect without the legally mandated period for public comment and government response. This rush to goodness is surely a sign of benevolent totalitarianism.

Clinton and the anxious nation should heed Justice Louis Brandeis's vindicated dissent in the 1928 case *Olmstead v. United States*, which restricted privacy for the sake of police efficiency: "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding." ®

Richard D. Mohr is professor of philosophy at the University of Illinois, Urbana. His book, A More Perfect Union: Why Straight Americans Must Stand Up for Gay Rights, *will be published this spring by Beacon Press.*



nward, Christian Soldiers?

In trying to broaden its appeal, the Christian Coalition risks alienating its base.

By William L. Anderson

For the last year, Ralph Reed, executive director of the Christian Coalition, has been trying to change the organization's image. In a series of articles and interviews, he has emphasized that a "pro-family" agenda is not limited to hot-button social issues. It also includes economic issues that are important to families of all persuasions.

"The pro-family movement has limited its effectiveness by concentrating disproportionately on issues such as abortion and homosexuality," he wrote in the Summer 1993 *Policy Review*. "To win at the ballot box and in the court of public opinion...the pro-family movement must speak to the concerns of average voters in the areas of taxes, crime, government waste, health care, and financial security."

Reed is attempting to move his organization's agenda into the mainstream by emphasizing issues like free trade, a cut in the capital-gains tax, a line-item veto, a balanced-budget amendment, and a higher standard tax deduction for dependents. The coalition has published a "mainstream agenda for public education," which includes school choice, "parental rights," keeping schools "free from crime and drugs," and a curriculum that will "return to the basics" of reading, writing, and mathematics. Reed would like to expand the organization's base to include more Catholics and Jews. His makeover has generated positive coverage, including a kind profile by *Time*, a stunning departure from the national press's usual hostility to the Christian right.

Ralph Reed, executive director of the Christian Coalition, says that issues like free trade and a line-item veto deserve a part in his organization's agenda.

The Christian Coalition's Annual Road to Victory meeting was held near Washington, D.C., last year instead of its former site, Pat Robertson's Christian Broadcasting Network complex in Virginia Beach. The move reflected Reed's attempt to put some distance between the Christian Coalition and CBN. Although the coalition was formed in 1989 from the remnants of Robertson's failed presidential campaign and the *700 Club* host continues to serve as its president, he has become something of a bogeyman among people wary of his religious beliefs and political agenda.

The September meeting was supposed to showcase the Christian Coalition's new, broader appeal. Democratic National Committee Chairman David Wilhelm addressed the group, though he sharply criticized many of its positions on both social and economic issues. The meeting was also a forum for 1996 Republican presidential hopefuls. Sen. Bob Dole, Sen. Phil Gramm, former Secretary of Housing and Urban Development Jack Kemp, and former drug czar William Bennett each spoke before an appreciative audience. When it was over, Reed declared the gathering a success in promoting a mainstream program.

Yet the most publicized event at the meeting was a remark by Pat Buchanan that did not go well with the Christian Coalition's new image. Talking about the superiority of Western culture, Buchanan noted that widows in India have been known to fling themselves onto the burning funeral pyres of their husbands. While condemning the practice, Buchanan added that "in the case of Bill Clinton, it may be justified." The audience of nearly 3,000 delegates cheered. Buchanan's confrontational message was the most popular speech at the convention.

In a way, Reed could argue, the speech and its reception represented a step forward. Buchanan, after all, is Catholic. Most evangelical Christian political activists are Protestants who come from a tradition that for many years regarded Catholics as dangerous. At the same time, the reaction of the delegates to Buchanan illustrates the Christian right's tendency to emphasize divisive social issues and promote an "us vs. them" attitude.

In attempting to moderate that message and reach out to a broader constituency, Reed runs the risk of alienating the Christian Coalition's base. Most of the group's members are motivated by precisely the issues that Reed is trying to downplay. Many are bored by his economic-policy proposals, if not actively opposed to them. Others may agree with his positions on taxes and trade, but they expect the coalition to concentrate on issues where a religious perspective has special relevance. After all, many secular conservative organizations already address "the concerns of the average voter." So the more successful Reed is at making the Christian Coalition presentable to outsiders, the less attractive it may seem to its core supporters. In smoothing its rough edges, he could sand away its reason for existence.

The stakes in Reed's gamble are large. The Christian Coalition claims nearly 750 chapters throughout the country and about 400,000 members, concentrated in the South and in major metropolitan areas on both coasts. But fully one-third of the 87 million Protestants who belong to denomination-affiliated churches in the United States are evangelicals, including fundamentalists and Pentecostals. When combined with conservative Catholics, this is potentially a very powerful voting bloc. "We expect to top out with 1 million Protestant members," Reed recently told *Newsweek*. "With Catholics, we can double that." Some evangelicals have relatively liberal social views, however, and not everyone who shares common ground with the coalition is an evangelical. So tapping new wells of support will require the sort of reorientation that Reed proposes.

Although Reed's outreach efforts have received good press, the reception within the movement has been less enthusiastic. The delegates at last year's Road to Victory meeting failed to endorse the North American Free Trade Agreement, which Reed favors. *Wall Street Journal* columnist Paul Gigot wrote: "The Christian Coalition was once going to offer at least modest support for NAFTA. Last week it decided to sit on its hands, amid private grumbling about Trilateral Commissions and other global conspiracies." The populist leanings of many coalition supporters, which help explain Buchanan's popularity within the group, make them leery of free trade and cool toward a cut in the capital-gains tax, which is seen as benefiting the affluent.

Reed's attempt to change the emphasis of the coalition is at

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odds with the attitudes of the rank-and-file activists, who are much more likely to get excited about issues like homosexuality than about taxes or trade. Sharon Gadd, an activist in Lookout Mountain, Georgia, works on Christian Coalition phone banks. She says the biggest reaction she has seen recently followed President Clinton's move to lift the ban on gays in the military. She expresses her motivation for being involved in the coalition this way: "It really boils down to morality."

Dean Arnold, another coalition member, edits a newsletter called *Vision Chattanooga* for the Chattanooga Resource Foundation, a "pro-family" organization. The foundation's priorities are illustrated by a recent success story: It helped raise money to purchase the building where the local abortion clinic was located. After buying the building, the new owners evicted the clinic.

Arnold says that while some members of the Christian Coalition concentrate on fiscal matters, most do not. "They're more interested in social issues," he says. "Christians involved in this movement are more interested in evangelism, in getting people saved, and in dealing with obvious, deliberate sin like killing babies and sexual immorality."

Former Reagan White House aide Gary Bauer, who now heads the Family Resource Council, spoke for such activists when he recently told a gathering in Chattanooga that if the next crop of Republican presidential candidates does not address social issues forcefully enough, Christian conservatives should run a candidate who will emphasize their concerns. And in a September *Washington Post* piece, Martin Mawyer, president of the Christian Action Network, criticized Reed's approach. "Activists like myself find this strategy short-sighted and, in appearance, unprincipled," he wrote. Noting that the Christian right had recently won some minor victories, he added: "We think it is a curious time to divert our focus from the bedrock issues of the pro-family movement for the sake of unrelated (though important) issues like the North American Free Trade Agreement and health care reform."

The Christian Coalition's fundraising appeals reflect the power of those "bedrock issues." Despite Reed's attempted makeover, they remain focused on topics that appeal to religious conservatives who feel they are on the losing side of a culture war. A recent six-page letter to supporters signed by Robertson mentions tax hikes and pork-barrel spending, but most of the space is devoted to abortion, school prayer, and homosexuality. "America (which was once a predominantly Christian nation) has become a largely anti-Christian pagan nation," Robertson declares, "and our government has become a weapon the radical Left now uses against Christians and religious people. ...You and I, working together with millions of Christian voters, can turn America back from its headlong plunge into moral chaos."

Despite Reed's attempted makeover, the coalition's fund-raisers still appeal to religious conservatives who feel they are on the losing side of a culture war. A recent six-page letter to supporters signed by Robertson mentions tax hikes and pork-barrel spending, but most of the space is devoted to abortion, school prayer, and homosexuality.

This sort of talk reflects the original motivation for evangelical political activism, a relatively new phenomenon. The evangelical movement, which has roots in John Wesley's 18th-century Methodism, emphasizes the need for each individual to make a personal commitment to Jesus Christ in order to assure salvation. Fundamentalism, a subset of evangelical Protestantism, grew out of the theological controversies of the late 19th century.

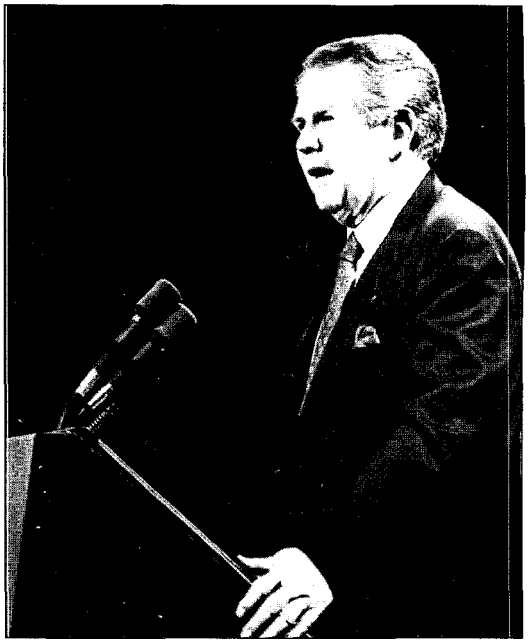
After the publication of Charles Darwin's *The Origin of Species,* which directly challenged the story of creation as told in Genesis, Protestants split into two broad groups. One group accepted evolutionary theory and a critical approach to the Bible; these liberals also tended to accept the "social gospel," which emphasizes charity and political action as ways of fulfilling the Christian mission. The other group, the fundamentalists, insisted on the inerrancy of the Bible, which they viewed as the literal word of God, and emphasized saving souls as the primary task of Christians. Unlike their liberal counterparts, they eschewed political action.

This remained true through the first half of the 20th century. But after the cultural and sexual revolution of the 1960s, fundamentalists—together with their more-moderate counterparts, the evangelicals—became politically involved. They were interested not in economics but in school prayer and sexuality, the subjects of two landmark Supreme Court decisions. In 1962, the U.S. Supreme Court ruled in *Engel v. Vitale* that organized prayers in public schools were unconstitutional. Since then, the Court has expanded that decision to include nearly all religious activities in the public arena. In 1972, the Court in *Roe v. Wade* ruled that the right to abortion is protected by the Constitution.

In the wake of *Roe* and the sexual revolution, government authorities at all levels began to subsidize activities that offended conservative Christians, from abortion to condom distribution in public schools. The religious right has tried to turn back what its

members see as a state endorsement of immorality. Its main concerns have been abortion, homosexual rights, and public-school curricula (especially sex education and the teaching of evolution). Members of the religious right may differ on issues like free trade and the minimum wage, but they are united on abortion, teen sex, and homosexuality. Here they stand apart not only from liberals but from many Americans who share common ground with religious conservatives on economic issues.

Many Americans fear that the Christian right, if it had its way, would compel everyone to follow its moral standards. This fear is reinforced by the press, which tends to view fundamentalists (and evangelicals generally) as unsophisticated prudes, straight out of H.L. Mencken's accounts of the 1925 Scopes trial in Tennessee. In a 1993 *Washington Post* story about opposition to Clinton's attempt to lift the military ban on gays, reporter Michael Weisskopf wrote that evangelical political activists are generally "poor, uneducated, and easy to command." Although many surveys have shown that evangelicals and fundamentalists have the same education and income as the rest of the U.S. population, this image persists.



The Christian Coalition's new strategy tries to put distance between the group and other ventures by its president, Pat Robertson.

It doesn't help that conservative Christian activists often speak in terms of "winning a government for Christ," the sort of expression that sounds scary to people outside the fundamentalist subculture. Says Arnold, the Chattanooga activist: "I am motivated because I've given my life to Jesus Christ completely and totally, and Jesus Christ is the ruler of the nations, and that concept has been robbed, not only from me as a Christian and not only from the Christian church today, but it has been robbed from our country that understood Jesus Christ is the ruler of the nations. We are the most prosperous country in the history of mankind, and the most influential, and the most free because of the fact that we were founded on that concept....And so, I'm angry about that. I'm angry that we've been defrauded."

Reed's kinder, gentler strategy is an attempt to relieve the discomfort caused by such rhetoric. It's also an attempt to counter left-liberal activists who portray the coalition as a grave threat to constitutional democracy. People for the American Way, which was founded by Norman Lear to fight the now-defunct Moral Majority, says it "monitors" the Christian Coalition's activities, language usually reserved for groups with violent tendencies. The Montana Human Rights Commission has labeled the Christian Coalition and other "pro-family" groups religious "extremists," the same classification given to organizations such as the Aryan Nation and the Ku Klux Klan.

This demonization of the Christian right, and of Pat Robertson in particular, was apparent in Virginia's state elections last fall. The Democrats attempted to discredit Republican candidates for governor, lieutenant governor, and attorney general by tying them to Robertson and the Christian Coalition. But although Mike Farris, the Republican candidate for lieutenant governor, had been head of the Moral Majority in Washington state, he was never a Robertson crony. His opponent, Donald Beyer, wrongly claimed that Farris was treasurer for Robertson's presidential campaign in 1988, when Farris supported Jack Kemp.

Neither George Allen, the Republican candidate for governor, nor James S. Gilmore III, the Republican candidate for attorney general, had strong ties to the Christian right. Nor did they toe the Christian Coalition line on abortion. The Republicans used the Democratic obsession with Robertson to their advantage, arguing that the attacks were intended to avoid discussion of substantive issues. Farris received a surprising 46 percent of the vote, while Allen and Gilmore both won by double-digit margins.

The Democrats' tactics in Virginia reflect a widespread fear that the Christian right is hijacking the Republican Party. In the March 1993 *Playboy,* journalist Joe Conason warns: "Should the Christian right succeed in taking over the Republican Party, it will inherit an extremely powerful apparatus. Such a party, running against the usually fractious and disorganized Democrats, is a chilling prospect."

Such fears are based partly on the Christian Coalition's reputation for "stealth" campaigning. In 1990, the group helped numerous evangelical activists win local school-board elections, especially in Southern California. Instead of directly participating in political debates, the candidates ran low-profile campaigns, distributing coalition "voter guides" in local evangelical churches. About 40 percent of them were elected. But the way they won created the impression that they were hiding "a radical agenda behind a back-to-basics mask," as Tom Teepen of the *Atlanta Constitution* wrote.

An elated Reed declared, "I paint my face and travel at night. You don't know it's over until you're in a body bag. You don't know until election night." He says he now regrets those remarks, and the coalition has largely abandoned stealth tactics. But the quote, frequently cited by opponents, still haunts him.

From the coalition's perspective, there are two major problems with stealth campaigning. It antagonizes voters, and the candidates it elects cannot claim a mandate to, say, introduce creationism or remove material they find offensive from the

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curriculum. Furthermore, they have not built the alliances that would help them achieve their goals and win re-election.

As a result, the coalition's candidates have not had much of an influence. The officials elected a few years ago either have since been defeated or are on the defensive. Kenneth L. Woodward, writing in the May 17 *Newsweek,* reported that the coalition's push to dominate the nation's 16,000 school boards has fizzled. He also noted that boards with conservative Christian majorities have generally made few if any changes in the schools they oversee.

To have a significant impact, the Christian Coalition will have to overcome the problems created by its early tactics. More important, it will have to convince a skeptical public that it is not a threat to individual liberty, that its agenda is not one of religious intolerance.

In truth, evangelicals differ on the extent to which the law should reflect Christian values. For example, although they all believe that heterosexual marriage is the only proper context for sex, most would leave such matters to the individual. On the other hand, a minority among the Reconstructionists, themselves a mi-

School Duel

Taking credit in New York's curriculum controversy

In the months leading up to last spring's school-board elections in New York City, People for the American Way warned that the Christian Coalition was sponsoring "stealth campaigns" for the candidates it backed, working "feverishly under a cloak of secrecy." The American Civil Liberties Union called the elections "the greatest civil liberties crisis in the history of New York City." The New York *Daily News* weighed in with headlines in large block letters above pictures of Pat Robertson and stories that told of fear in the gay community.

This picture of fundamentalists taking over the schools of the nation's largest city bore little resemblance to reality. But it showed that opponents of the Christian Coalition share with its supporters a tendency to exaggerate the group's power and influence. Organizations like People for the American Way need enemies like the Christian Coalition to symbolize know-nothing religious extremism and oppressive prudery. (Conversely, the coalition needs enemies like PAW to symbolize arrogant secular humanism and anti-Christian bigotry.) Playing up the menace represented by the other side helps to raise money, rouse the troops, and attract attention.

The controversy over what New York's public schools should teach kids about sex was an ideal stage for a stylized confrontation between PAW and the Christian Coalition. It took place in a major media center, and it involved issues close to each side's heart. Most important, the battle was already joined before either group got involved. All they had to do was charge in and take credit.

In 1992 New York's public schools introduced two initiatives, both supported by Schools Chancellor Joseph Fernandez and Mayor David Dinkins, that generated intense opposition among conservatives. The first was a series of pamphlets prepared as part of the AIDS curriculum for the city's junior and senior high schools. One pamphlet, *Teens Have the Right,* included a "bill of rights" with declarations like: "I have the right to decide whether to have sex and who to have it with," "I have the right to use protection when I have sex," and "I have the right to buy and use condoms."

Other innovative ideas included raps like, "A night full of love, just you, me, and a glove." The pamphlet said that "guys can get used to the feel of condoms while masturbating" and declared: "Condoms can be sexy! They come in different colors, sizes, flavors, and styles to be more fun for you and your partner." Other pamphlets were even more explicit. It is clear that many parents would disapprove of these materials, especially since they were coupled with the distribution of condoms.

The second controversial initiative was a new curriculum called "Children of the Rainbow." Some parents objected to an environmental education section that suggested teachers should have their students "pledge themselves" to the earth. The most criticized part of the curriculum, however, was the "family structures" section, which reminded teachers that some students have gay or lesbian parents and urged them to adjust their lessons accordingly. Contrary to the popular impression, the section did not encourage children to become gay, nor did it say that youngsters would be required to read the books *Heather Has Two Mommies, Daddy's Roommate,* or *Gloria Goes to Gay Pride,* which attempt to explain homosexuality to young children. (It did suggest that teachers look at the books.)

Still, "Children of the Rainbow" was controversial enough to stir a conservative backlash. In addition to a citywide Board of Education, New York's public schools

nority within the evangelical movement, believe the state should enforce religious law, including the death penalty for homosexuality and abortion.

Reed is eager to distance the Christian Coalition from such theocrats. "We want to assure people that we do not want to legislate our theology," he says in Robertson's new book, *The Turning Tide*. The coalition supports a ban on abortion except in cases of rape, incest, and danger to the mother's life; opposes anti-discrimination laws and legal marriage for homosexuals; and favors vigorous enforcement of obscenity laws to close down stores that specialize in sexually explicit material. But it does not seek to regulate private, noncommercial sex acts involving adults.

Reed tries to put a mainstream spin on the coalition's social agenda when he addresses a general audience. "If you are a Christian," he says in *The Turning Tide*, "don't expect to use the language of the Bible study and the church in the public arena." He tells REASON, "The Christian Coalition is not a church, and the Christian Coalition is not a religious institution, in terms of being a ministry. It is a public-policy organization....In that par-

are supervised by 32 local boards with nine members each. The Queens District 24 Board, in a rebellion led by board member Irene Impellizzeri, refused to implement the new curriculum. Fernandez dismissed the board but in the process lost support from the Board of Education, which fired him in early 1993. The school-board elections followed three months later.

Both Christian Coalition backers and opponents would like people to believe that the organization was at the forefront of the effort to elect conservatives to the board seats. But the coalition's participation consisted mainly of printing and distributing "voter guides" in English and Spanish. The guides listed candidates in each district race and gave their responses to eight questions. Predictably, the questions covered implementation of the Rainbow Curriculum, the AIDS initiative, and school prayer. But they also asked about support for "stressing basic skills such as reading, writing and arithmetic over social programs." The pamphlet was dominated by the views of conservative candidates, since most of the liberals refused to respond.

The Christian Coalition received some favorable publicity in the form of a *New York Times* article on the Rev. J. Terry Twerell, who spearheaded the coalition's New York efforts. Other press coverage, especially in the *Daily News*, was not so kind. Some groups passed out flyers with Robertson's picture that warned of dire consequences should the conservatives be elected.

People for the American Way waged a relentless campaign of its own, issuing reports and news releases that painted conspiratorial pictures of the religious right: Those tricky fundamentalists are taking over, right under our noses! This secret operation might have worked, PAW reported, had it not been for "a persistent research and reporting effort headed by People For's New York office."

According to a PAW press release, the religious right's cover was not blown until February 1993. Yet the *Daily News* carried a story detailing the coalition's coming involvement in the New York races, including interviews with Christian Coalition officials, in its January 3 edition. The article did not indicate any attempts by the coalition officials to be evasive. In truth, the coalition was quite open about its involvement.

The real question is not whether the coalition was honest but whether it was effective. One of the conservative candidates, Robert Bell of District 15, says the "perception of a well-oiled machine for the Christian Coalition" was inaccurate. "The Christian Coalition only distributed their booklets, and didn't do a good job at that," he says, noting that many of the people who received the pamphlets were not registered to vote. "I don't think they did much. They rode in and announced that they were here and tried to take credit for what happened."

Bell says most of the conservative candidates were homegrown and were not part of the Christian right's natural constituency. Many were Catholic. Although the Christian Coalition made some publicity points by receiving the endorsement of Cardinal John O'Connor, New York City has never been a stronghold of Christian conservatism. "Nobody on our slate of candidates [in District 15] was associated with the Christian Coalition, but we were tapped with that title," Bell says.

After the votes were counted, both sides claimed victory. The coalition's newspaper, *Christian American*, had a large front-page headline, "VICTORY IN THE BIG APPLE: Pro-family Candidates Win School Board Posts." PAW issued a press release asserting that it had led "progressives" to victory, although it lamented the fact that "large blocs of Latino voters...supported Religious Right-backed candidates."

While PAW's literature painted the conservatives as a monolithic Christian Coalition bloc, Barbara Handman, director of PAW's New York office, admits that the coalition was not the instigator of the conservative backlash. She says the conservative candidates were "already in place" when "the Christian Coalition recognized that they could enter this fray." In fact, she is reluctant to give the coalition any credit for having influenced the elections. The monster portrayed by PAW before the elections looks decidedly tame in retrospect.

—William L. Anderson

ticular capacity, I'm not seeking to convert people or preach the Gospel. I'm seeking to espouse public-policy views."

This secular approach leaves Reed open to criticism from within the movement. In an October *Washington Post* piece, Charlotte Allen, an evangelical journalist, criticized secular conservatives who offer utilitarian arguments for traditional values, arguing that they are out of touch with "the church-going conservative rank-and-file." Although Reed is himself an evangelical, he appeals to the practical benefits of tradition rather than biblical authority, sounding more like a neoconservative than a fundamentalist.

"I think the government ought to be involved in strengthening the role of parents, rather than undermining them," he says. "I think that most of the sex education and the distribution of birth control devices in the schools runs contrary to the authority of parents....Obviously, we've always had teenage pregnancy, we've always had abortion, and we've always had the social pathologies that have afflicted our young people, but the reason we were able to minimize them prior to the mid- and late-1960s is that the church, the home, and the schools, the most important institutions of acculturation, were all delivering a mutually reinforced and consistent message, which was that sexual activity was something that was best abstained from prior to marriage.

"We maintained that message, realizing that there were going to be young people who diverged from that message. But as a general rule, we had less teen pregnancy, we had less sexually transmitted disease, we had fewer abortions. And today, after spending roughly $3 billion on so-called safe-sex programs, primarily through schools, we see an epidemic of teen pregnancy and sexually transmitted disease."

Reed argues that government is not simply neutral on questions of sexual morality; it is teaching the values of the sexual revolution. "I think we ought to be real careful about the government imposing a morality on children that is inconsistent with the teaching that they're receiving at home," he says.

As Reed's complaint suggests, the activism of conservative Christians is to some extent a reaction against government encroachment. Anita Bryant's 1977 campaign against gay rights, for example, came after the Miami City Council passed an ordinance forbidding organizations, including Christian schools, from discriminating against homosexuals. Since then, other jurisdictions have followed suit, restricting the rights of religious people to set and enforce moral standards for their teachers and pastors. Conservative Christians worry that Congress will pass a similar measure. The many heated controversies about what should be taught in public schools, what should be funded by the National Endowment for the Arts, and who should pay for abortions also grow out of actions by the state.

The activism of conservative Christians is often a response to state encroachment. Anita Bryant's 1977 campaign against gay rights came after the Miami City Council forbade Christian schools from discriminating against homosexuals. More recently, controversies over funding for the NEA and abortions grew out of state actions.

But when conservative Christians object to having immorality "crammed down their throats," they are often talking about movies and TV shows, commercials and billboards, fetishist conventions and Gay Pride parades. Many of them would like to restrict these and other private actions. And abortion, of course, will always be a burning issue for those, like Pat Robertson, who consider it a form of murder. Reed's makeover can only go so far without triggering a mass exodus. On the other hand, Reed is probably right that a narrowly focused Christian Coalition is doomed to a marginal role in our political system.

This dilemma suggests that the early fundamentalists knew what they were doing when they refused to get involved in politics. In 1992 Cal Thomas, a former vice president of the Moral Majority, wrote a column for the *Los Angeles Times* in which he argued that conservative Christians should not rely on politics to change the moral climate of the country.

"Preachers need to get back to their primary mission, which is to build up their members spiritually and morally and to attract new members to a life, a cause and a kingdom not of this world," he wrote. "I don't like trickle-down morality. If a nation is not ready to accept a universal standard of righteousness, no President or Congress can impose it....Ministers who think that government alone, or government mostly, can accomplish their legitimate objectives might wish to reconsider this great biblical truth: 'Not by might, not by power, but by my spirit, says the Lord.'"

Thomas is no libertarian, of course, and many Americans would not like a society built on the tenets of evangelical Protestantism, no matter how it were achieved. But by asking evangelicals to reconsider their relatively recent foray into politics, he offers an alternative solution to Ralph Reed's dilemma. ®

William L. Anderson teaches economics at Covenant College and Chattanooga Christian School.

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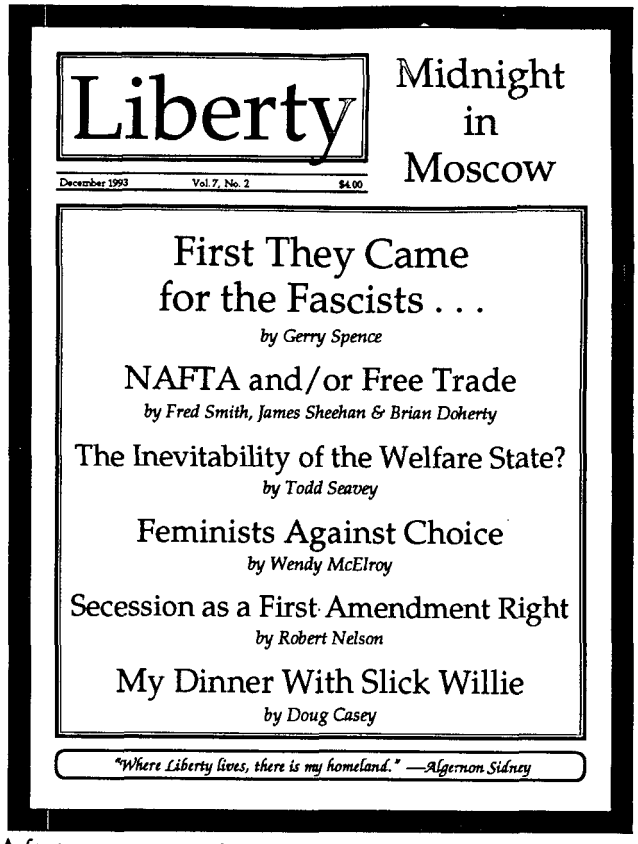
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By Gregory Benford

The Designer Plague

If humanity is a cancer, what is the cure?

In January 1993 I went on a cross-country hike in Orange County, California, to protest a highway soon to go in. Puffing up a hill, I struck up a conversation with a member of the eco-warrior group Earth First!, who wore the signature red shirt with a clenched fist. We mounted a ridge and saw the gray sweep of concrete that lapped against the hills below.

"Looks like a sea of shit," the Earth Firster said. "Or a disease."

That same month the National Academy of Sciences and Britain's Royal Society jointly warned of the dangerous links between population and environmental damage. Following this up, the Union of Concerned Scientists mustered 1,500 experts to sign a "World Scientists' Warning to Humanity" and published it in leading newspapers. Heavy hitters, these, including the predictable (Linus Pauling, Paul Ehrlich, Carl Sagan), the inexpert but sanctified

MARC MICHELON

(Desmond Tutu), but also the heads of many scientific societies, Nobel laureates, and authorities in many fields. One such laureate, Henry Kendall of MIT, is leading the New Cassandras in a campaign to rouse the intelligentsia.

He makes his case thus: World population grows by 900,000 yearly and will double within half a century, maybe less. Meanwhile, the Green Revolution is apparently over; world crop production per person has declined. About 10 percent of the earth's agricultural land area has been damaged by humans. Half of all nations now have water shortages.

To see the future, look to the fringes. The environmental lobby has a wing that will spike your tree, slip sand into your backhoe's gas tank, or sink your tuna boat. These are not policy pundits with whom libertarians can reach gentlemanly agreement.

But such policy-wonk numbers, the ecologists remind us, are too human-centered. Our swelling numbers have their greatest impact on defenseless species in rain forests, savannahs, and coral reefs. Biologist E.O. Wilson of Harvard warns that we could lose 30 percent of all species within half a century, and that might be only the beginning.

Humans exert selective pressures on the biological world. North Atlantic waters show a pattern of overfishing, and ever-shrewd nature has filled these niches with such "trash fish" as skates and spiny dogfish that we cannot eat and thus do not take out. Monoculture farming worldwide gains efficiency by growing the same staple—wheat, rice, corn, trees—over a large area, but this is inherently more fragile. Diseases and predators prey easily, and already erosion is a serious threat in many such areas.

Still, hand-wringing is not new, and skepticism about it is well earned. Paul Ehrlich's alarmist *The Population Bomb* has yet to explode, 25 years after publication. And there are counter-trends. The "developing world"—to use the latest evasive tag attempting to cover societies as diverse as Singapore and Somalia—is the great engine of population growth, but its pattern is not an exponential runaway.

It may, in fact, follow that of the industrial world, whose net growth curve broadly peaked around 1900 at a rate of 1 percent a year and is now a fourth of that. The poor countries may have entered just such a transition era. Some nations began peaking in the 1970s, and others are joining them. Still, the plateau average rate is 2.5 percent a year, so they have a long way to fall.

Environmentalists and professors alike fear their growth rates won't decline, at least not soon enough. This is where the Earth Firsters merge with the academics—in a profoundly pessimistic view of our collective, shared from the hushed halls of Harvard to the jerky hip-hop images of MTV.

Robert Malthus, the original population prophet, thought that civilization would hit the wall in the late 19th century. Despite failures, such predictions still work as propaganda. The wealthiest man in America, Warren Buffett, devotes considerable charitable giving to population control, as do several other members of the *Forbes* 400 wealthiest list. They are alarmed.

I suspect there is more here than a Malthusian malaise. While there are ever more mouths, there is also possible global damage unimagined by Malthus, a far more muscular feedback effect. These could tilt the entire biosphere against many species, including us.

A biologist recently remarked to me, "We've just run out of new niches. So the whole system will do a little feedback stabilizing." The vast, numbing menu of looming potential disasters—lessening fish stocks, water, topsoil; dwindling rain forests; growing ozone holes; dying species; global warming; deepening poverty; spreading pollution—makes the New Cassandras different.

They bring a message already deeply enshrined in the hard-core environmentalist movement, one the media have preached for decades. The issue is not the dry debate but the sea change in moral attitudes that underlies the talk, whether it is over immigration or owls vs. jobs.

To see the future, look to the fringes. The environmentalists are a powerful lobby, but they also have a wing that will, if you get in their way, spike your tree, slip sand into your backhoe's gas tank, or sink your tuna boat. This wing includes the Earth Firsters, but there are hundreds of others in lesser camps such as the Animal Liberation Front, the Hunt Saboteurs who disrupt big-game sport, Albion Nation, and assorted Deep Ecologists.

These are not policy pundits with whom libertarians can reach gentlemanly agreement about, say, junking federal timber subsidies. Their views occasionally surface anonymously, as when "Miss Ann Thropy" welcomed AIDS in *Earth First! Journal* as "a necessary solution." Sometimes they are less discreet, as when David Graber, a National Park Service research biologist, wrote in the *Los Angeles Times*, "Human happiness, and certainly human fecundity, are not as important as a wild and healthy planet....We have become a plague upon ourselves and upon the Earth. It is cosmically unlikely that the developed world will choose to end its orgy of

fossil-energy consumption, and the Third World its suicidal consumption of landscape. Until such time as Homo sapiens should decide to rejoin nature, some of us can only hope for the right virus to come along."

The hardliners practice varying degrees of "ecotage," which estimates place at about $25 million a year in the United States. I have met eco-warriors who are completely unaffiliated, though, some quite well educated and no less determined.

Initially their rules—as laid down by crusty Edward Abbey in the novel that inspired Earth First!, *The Monkey Wrench Gang*—were two. First, honor all life and do not hurt anyone. But Earth Firsters have strayed far from this rule, preparing traps for desert bikers and loggers that could have killed—but didn't because of the vigilance of their opponents.

Neither have they met their second rule: Don't get caught. The Arizona Five, who tried to cut an electrical tower, got nabbed by an FBI undercover agent. They didn't take a civil-disobedience stance, though; they tried to evade punishment on grounds of entrapment.

Still, many are willing to break the law and pay the price. Do the crime, do the time—a principled stance, but how far can it go? Are there crimes we cannot accept?

Back on that Orange County ridge line, gazing out over miles of dusky, besmogged concrete, the Earth Firster said something that genuinely frightened me. Not because it was a specific threat, but because it connected with my own academic world.

"Y'know, we're a cancer. And somebody's going to find a cure."

Already we are numbed by TV images of diebacks—the sudden, catastrophic collapse of whole life support structures on a regional level; the Four Horsemen writ large. I believe, though, that two social forces will bring even more dire events in the next century.

Consider: Our globe has a technological North with many accomplished bioengineers. Given our desire to extend our own lifespans, much research will go into an intricate fathoming of the human immune system, to fixing our cardiovascular plumbing, to forestall aging, and the like. That is the first important and plausible point.

On the other hand, the North will increasingly be appalled with the South's runaway growth. Many poor nations will double in numbers within 30 years.

Think of watching it on high-definition TV. Megacities will sprawl, teeming with seedy, corrupt masses. Sao Paulo at 34 million, second only to pristine Tokyo. Lagos, Nigeria, which nobody ever considers, may top 17 million, despite the multitudes lost to AIDS. We will watch via satellite kindergarten-age children digging through cow dung, looking for corn kernels the cows hadn't digested. Colorful chaos laced with dusky despair. Gangs of urchin thieves who don't know their own last names. Gutters as sewers. Families living in cardboard boxes. Babies found discarded in trash heaps.

The more the North thinks of humanity as a malignancy, the more we will unconsciously long for disasters. This is the second, all-too-plausible point.

The more the North thinks of humanity as a malignancy, the more we will unconsciously long for disasters. Somewhere, sometime, some eco-activist may see a quite simple solution to the South's runaway growth and poverty: the Designer Plague.

Somewhere, sometime, someone may see in these two points a massive, historically unique problem and a quite simple solution: the Designer Plague.

An airborne form of, say, a super-influenza. The Flu from Hell, carried on a cough, with a several-week incubation period, so the plague path will be hard to follow. Maybe fine-tuned, too, carrying a specific trait that confines it to tropical climes, like malaria.

We in the comfy North forget that for the bulk of humanity diseases are kept at bay by a thin modernity in medicine, well water, and clean food. Yet across this globe a swift viral traffic flows. Influenza A, which brings teary, aching fever to 100 million of us yearly, is an old enemy, endlessly vigorous. It would make a handy weapon.

Viruses are ancient oddities. We have now mapped the RNA core of Influenza A and its surface proteins—tiny spikes that prod the human immune system into forming cloaking antibodies. This virus can mutate, rearranging the molecular code that shapes the spike-tip proteins. Then the new virus can dodge around our bodies' immune response, feasting on us until our bloodstreams conjure up a fresh antibody defense.

There is a curiosity in modern immunology, though. Antibody records of elderly patients' blood show that since 1890 all influenza epidemics have been wrought by only a few of the possible subtypes of the virus particles. Minor changes have kept the damage minimal.

Nobody knows why this is so. Influenza resides in our domesticated friends—turkeys, pigs, fish, chickens. We have tracked influenzas that breed in both birds and pigs, and new strains that attack humans have come from both; the Ford

administration's alarm over Swine Flu was not hysterical.

Influenza spreads by air not through Boeing but through ducks and sea gulls. Only the pandemic of 1918–19, misnamed "Spanish" though it came from southern China, was powerful, killing as many of us as any single war has ever killed.

Influenza's potency derives from its primitive nature. Its viral RNA lacks the proofreading and editing skills that longer, more stable genomes such as ours have developed. So it is easily manipulated, and luckily the changes have been mild of late. Somehow, in the breeding ponds of Asia where farmers tend their paddy rice, only minor variants have appeared.

A mass plague doesn't necessarily demand high tech. Our old enemy smallpox could fill in. Since its genome is published in the open literature, all the eco-activists would need is a savvy scientist willing to translate the smallpox recipe into the real thing.

But in the laboratory, drastic tailoring is easier than ever before—and will get easier still. Big shifts in the influenza pattern, a new mix of genes, could bring greater infectivity and startlingly high virulence. Already, one carrier on an airplane or (in army experiments) one sick person just walking through a tent can infect many.

The big advances could lie in virulence. There are newly "emergent" viruses like Ebola that can kill up to two out of every three victims, suggesting that influenza could be brought up to this level as well.

A biologist at the University of California, Irvine, remarks, "I doubt that a single person could come up with the required virus. Certainly it could be done either with a large research team, as in defense labs, or by many individuals trying independently, and one getting lucky." How many? "A few dozen."

A mass plague does not necessarily demand high tech, either. Making a custom flu strain is very difficult now (unless tinkering turns one up by accident), because we do not know yet what makes strains virulent.

Instead, our old enemy smallpox could fill in. Since it was eradicated in the mid-1970s, few people have been vaccinated. By now most of the world is susceptible again. Smallpox is kept locked away at two heavily guarded sites in the world, while the medical community debates whether those two samples should be destroyed. (One counter-argument holds that, after all, smallpox is a species, and we should conserve species. I am not making this up.)

But smallpox is imprisoned only in one sense. Its genome is published in the open literature, so in another sense it's everywhere. Like all life, smallpox is at root information. A biological virus in this sense is exactly like a computer virus. All smallpox needs to make its way out of virtual reality is for a savvy scientist to translate.

I asked a friend, a UCLA biologist, to imagine how he would do this. With barely a moment's hesitation he rattled off, "Well, first you turn on a standard gene synthesizer. You use the published genome sequences to run some fragments of its DNA genome out. Keep it in manageable fragments, so you can then splice them. You put the naked genome into a cell which has been infected by a related pox virus, see? That supplies the needed viral enzymes. After that you get complete viruses, which you can amplify in cell culture. Dead easy. Then you're off—just spread it around. Hozzat for scary?"

I'm old enough to have been vaccinated, but my friend wasn't. The zesty way he tossed off a recipe made me blink. With modified proteins, airborne particles can turn 10 or even 100 times more deadly. And in the next few decades, myriad biotech workers will know how to alter viral information.

How many will belong to the Animal Liberation Front? It won't take many. A handful of carriers would suffice to spread such a designer plague. "You should hear the eco-warriors talk when there's no microphone around," an industrial molecular biologist remarked to me. "The only thing restraining them is the technical barriers."

Think of their rationalizations. Humanity as cancer. The Deep Ecology credo: All life is equally sacred.

Look at the big picture. Why not save millions of species a year by trimming the numbers of a mere single species?

And consider simple human misery. The aftermath of the Black Plague was a burst of prosperity, as the living inherited the wealth of the dead. Suddenly there were more croplands per person, more homes and horses and even hats. Enough, an Earth Firster gone wrong might argue, to get the battered South back on its economic feet. A blessing, really.

The essential point here is that theirs would be a *moral* argument proceeding from a wildly different premise: All life is equal.

Would anyone be mad enough to kill billions, hoping to stave off the ecological and cultural collapse of nations, of continents, of whole societies? It seems despicable, mad—and quite plausible, to me. Speculations along these lines have already been voiced by molecular biologists. A specialist in tropical diseases said to me, "I think it's a terrifying

possibility. I've met enough otherwise intelligent people who believe a mouse and a deer and a human baby are of equal moral stature. Why not kill one that's out of population balance, to save another?"

Such dark possibilities come with any major advance in human capabilities. Only by anticipating them, as H.G. Wells foresaw atomic war, can we do the thinking and imagining that might prevent them.

Containing such threats only superficially resembles the nuclear proliferation problem. The automatic response is more state policing. But plutonium is scarce, so the plutonium pipeline is easily policed. The flu is everywhere, and so are genetic laboratories. There will never be enough cops.

Outside regulation will be nearly helpless. The very power of medical biotechnology lies in its ease of self-reproduction. A small conspiracy could develop Influenza A into a new, virulent form, test it on animal populations, and then spread it with already immunized carriers.

For immunization would go hand in hand with the very bioengineering that made SuperFlu. If one knows the map, one can chart a path through the obstacles. It is technically simple to develop a vaccine alongside the SuperFlu, and even design it so that the carriers could be safe from the effects.

Further shrewd games suggest themselves. With a vaccine in hand, the North could speedily immunize its population. Still, medical resources would be strained even in the North, the public outcry deafening. Inoculating in the South would be far more difficult, from slow transport, inevitable corruption, and the sheer numbers of the afflicted.

So even if the plotters were caught early on, the North would face a vexing moral dilemma. Exert themselves to save many in the South, or be sure all their own populations were safe first?

And other, quieter voices would say, wait a minute. Sure, the fanatics were wrong, evil—but if this disease runs its course, it *will* solve a lot of problems...

Standard bureaucratic regulation cannot contain this potential and quite original evil. The probable sources are small and diffused.

What could stop the SuperFlu? At a minimum, we should deplore the superheated rhetoric of humanity-as-cancer. Behind such headline-grabbing oversimplifications lurk some obnoxious assumptions and poor reasoning.

Far more effectively, we can reaffirm basic humanist values. Not all life is equivalent. While other species of course have an essential place, we cannot evade the fact that we are now the stewards of their world.

There is a further constellation of arguments that might reach the ecowarriors, given time. Experience shows that populations stabilize when technology, women's education, and childhood life expectancy rise above a critical level. But on the way to this point lies a danger zone: Technology improves life expectancy and fuels a population boom, which then exacts a terrible toll from the environment.

To get the Third World through the danger zone demands that they *not* follow our path to industrialization. Going through the "gray" technology of the 19th century would indeed yield mass pollution and gobble up resources. But the technologies of today and tomorrow are less damaging, less material-intensive. They are built on silicon and glass, not coal and iron. What the developing world needs is not giant dams but cheap solar-power collectors. Not steel works but composite-material assembly sheds, weaving renewable organic resources into hard, light products. They need our future, not our past.

Lewis Thomas points out that it's this way in medicine. Low-tech medicine is cheap—people get polio (say) or Salmonella and die. That's it; at least you contain costs. Medium tech is nasty and expensive—iron lungs and keeping people alive when there is no good treatment for a disease. Really high-tech medicine, vaccine and antibiotics, is relatively cheap again, and everyone lives. The same thing happens with technology in developing countries—it has to be all or nothing. In between is the killer.

Regulation cannot contain the evil potential of the Designer Plague. Rather, we must deplore humanity-as-cancer rhetoric and reaffirm basic humanist values. Not all life is equivalent. We cannot evade the fact that we are now the stewards of the natural world.

For the moment the ecotage bands are mere cranks, oddities, wild-eyed nobodies on their rickety soapboxes. But their numbers rise. Their actions gather allies. Their anger soars. We must defuse that anger with actions of our own.

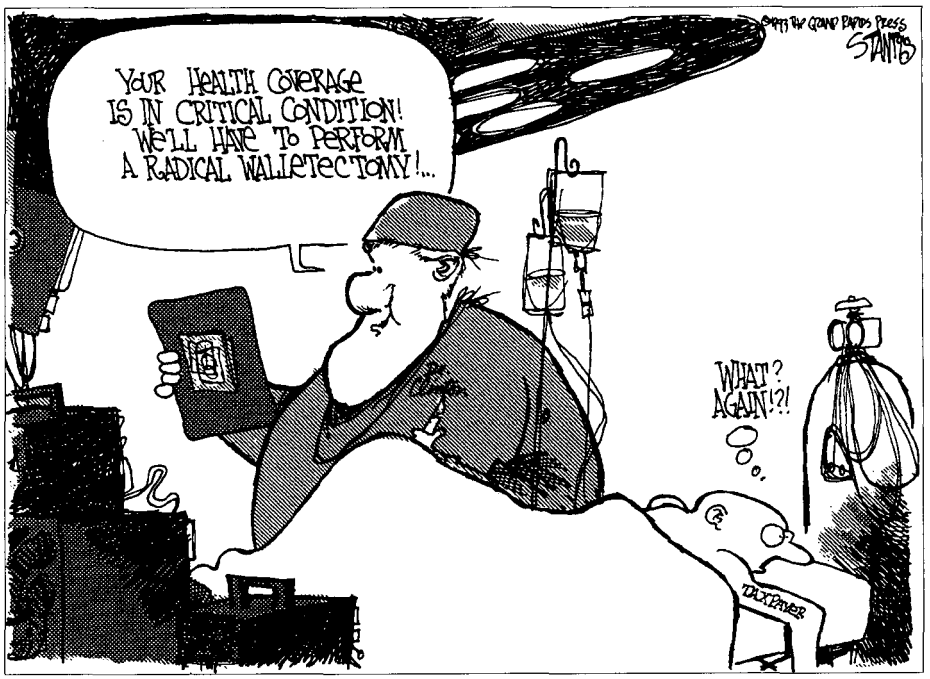
The zealot who could design a SuperFlu might well come from citadels of high moral purpose, too. Many Deep Ecologists spring from our universities. Their moral fervor runs parallel with high education and not a little dedication. After all, the most notorious mass murderer of our century came from the culture of Mozart and Goethe, favored animal rights, and was a fastidious vegetarian. ®

Gregory Benford is a professor of physics at the University of California, Irvine and the author of Timescape.

Nyah, Nyah, So There

By Rick Henderson

The Democrats are trying to dismiss critics of Clinton's health-care plan with a few sharp words and a wave of the hand.


YOUR HEALTH COVERAGE IS IN CRITICAL CONDITION! WE'LL HAVE TO PERFORM A RADICAL WALLETECTOMY!...
WHAT? AGAIN!?!
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As President Clinton prepared to make his televised health-care speech before Congress, the Republican National Committee prepared a list of "talking points" for its state party leaders. The five-page document pointed out specific portions of the Clinton plan (as it then existed) and cited criticisms of the proposal from mainstream press reports and from Democrats in Congress.

The morning of Clinton's speech, Democratic consultant Paul Begala mentioned the RNC's talking points on the *Fox Morning News*, Washington's second most popular morning show. Begala, the lesser-known partner of populist bomb thrower James Carville, called the document a "hate sheet, full of lies."

The Democrats' rhetorical campaign to pass ClintonCare hasn't gotten much more sophisticated than that. While you can expect the Democrats to challenge Republican attacks head on, Clintonites are also using Begala's infantile approach to savage the advocacy groups and legislators who offer other health-care reforms.

It's not unusual for political advocates to denigrate their opponents by trying to connect them with "unsavory" characters. Republicans have often tried to tie Democratic candidates to organized labor or Ted Kennedy. And in last fall's statewide races in Virginia, noncandidate Pat Robertson appeared in Democratic-sponsored attack ads as often as the actual Republican contenders.

But the campaign to reform health care transcends normal electioneering. In September, Hillary Rodham Clinton and two cabinet secretaries spent an unprecedented week on Capitol Hill testifying in defense of a bill (the president's health-care plan) that didn't exist. And details of this proposal changed so frequently that the plan's own backers didn't know what it would contain. On the October 21 *MacNeil/Lehrer NewsHour*, Democratic consultant Mandy Grunwald said Clinton could have chosen to support "an all-government solution" like the single-payer plan. "The president rejected that approach," she said. That same day, reports *The Washington Post*, "at the request of supporters of 'single-payer' health plans," the White House had altered its bill to "make it easier for a state to adopt a government-financed, Canadian-style medical system."

Clinton's plan would fundamentally restructure one-seventh of the American economy and completely alter the relationships between patients, doctors, and health-care regulators. Instead of making a positive case for the president's package, or dealing with the substantive arguments critics make, the Democrats have apparently decided that the easiest way to pass such radical reforms is to portray opponents of the program as liars or lunatics. As Sen. Dan Coats (R-Ind.) said at a committee hearing, the administration has tried to create a false choice between "doing nothing" and "doing everything."

On October 4, the Democratic National Committee launched a rhetorical missile at Citizens for a Sound Economy, the free-market lobbying organization founded by Kansas oil magnates David and Charles Koch. (For the record, David Koch is a trustee of the Reason Foundation, which publishes this magazine. So is Richard J. Dennis, managing trustee of the Democratic National Committee.) The National Health Care Campaign, a DNC-sponsored organization, sent a press kit attacking CSE to 1,500 reporters. In a cover letter intended to "expose the enemies of [health-care] reform," DNC Communications Director Catherine Moore asked "members of the media to responsibly scrutinize advertisements and press events

SCOTT STANTIS

presented by groups such as Citizens for a Sound Economy (CSE)."

"I hope you will read the enclosed materials," wrote Moore, "so that you can be prepared when CSE begins its misleading and deceptive media campaign in your market." A careful reading of the 30-page packet reveals...very little. There's a copy of a newspaper ad on health care that CSE ran in Wisconsin, along with a collection of press clippings, Democratic analysis of a CSE television ad on Clinton's budget plan, and a letter to "Democratic Colleagues" from Rep. Vic Fazio of California, head of the Democratic Congressional Campaign Committee.

The DNC kit makes five claims: CSE "misused statistics and data in advertisements and press conferences" when it opposed the Clinton budget; when CSE founder David Koch ran for vice president as a Libertarian in 1980, the party "platform called for the elimination of Medicare, Medicaid, and Social Security"; CSE Chairman James Miller "slashed Medicare spending when he was Ronald Reagan's Budget Director in the mid-1980's"; CSE "hides behind innocuous sounding names to disguise their true intentions and interests"; and CSE has joined a "far right wing...coalition called Citizens Against Rationing Health to oppose President Clinton's health care proposals." The kit is divided into sections that try to reinforce each of these points.

THE ONLY ARGUMENT RELEVANT TO THE current health-care debate is CSE's affiliation with Citizens Against Rationing Health. In the press kit, after you flip past a cover sheet stating that "CSE HAS JOINED FORCES WITH RIGHT WING GROUPS TO OPPOSE HEALTH CARE REFORM," there's a copy of a *Washington Times* news story. It introduces the groups in the coalition, describes their agenda, and says "the coalition has asked for a meeting with the president's chief health spokesman, Hillary Rodham Clinton, to discuss its views." Those views include changing the tax code so that individuals get the same tax breaks as employers when they buy health insurance; giving poor people refundable tax credits to help them buy insurance; and creating tax-exempt medical savings accounts so that people can more easily pay routine health bills out of pocket.

These proposals may not conform with the top-down, bureaucratic approaches the Clintons prefer, but they would certainly constitute reform. And the coalition isn't some secret organization, shying away from publicity; the members asked to meet with Hillary Clinton and participate in policy making.

Nothing else in the DNC package mentions health care; instead, it attacks CSE for leading last summer's campaign against a BTU tax. Has CSE "misled the public," as one section of the press kit states? That's a matter of opinion. A "CSE lie," in a television ad, claims that the Clinton budget plan is the highest middle-class tax increase in history and that Clinton's new taxes will destroy jobs without cutting the deficit.

The 1982 Social Security tax hike (backed by Republicans and Democrats) was about the same size (in constant dollars) as Clinton's 1993 increase. As for jobs and the deficit, reputable economists disagree about whether the tax increases will lead to lower deficits or even higher government spending. They also differ about the impact of new taxes on job creation. Will higher tax revenues soak up money that might otherwise be invested in capital formation, or will reductions in government borrowing encourage investors to open their checkbooks? We won't know who's right for several years. Asserting an opinion isn't lying.

Before the Democrats accuse CSE of misusing statistics, they should look in the mirror. As budget director, James Miller didn't "slash Medicare spending," as the DNC claims; he authorized $1.5 billion less than Congress wanted to spend. Actual Medicare benefit payments increased by 29 percent, from $76 billion in fiscal year 1986 to $98.3 billion in fiscal 1989.

And an alert journalist would notice that Fazio's breathless disclosure of scary planks from the 1980 Libertarian Party platform is immediately followed by a *National Journal* profile of the Kochs,

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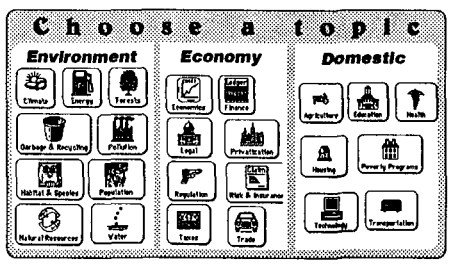

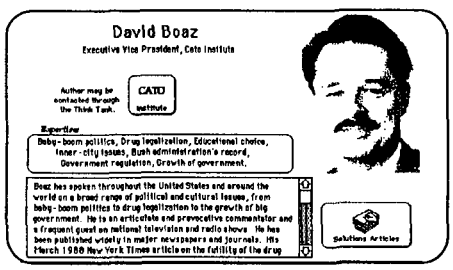
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which reports that David Koch split with the L.P. after the 1980 election "because, he said, its agenda had become increasingly radical." Perhaps alert journalists weren't the Democrats' target audience. The DNC may hope that sympathetic or bewildered reporters would read the cover letter, glance at the packet, and parrot the Democrats' line.

The details of public-policy issues, especially those as sweeping and tricky as the Clinton health-care plan, can overwhelm reporters and policy analysts, let alone the people who don't do these things for a living. In an October 9 *National Journal* story about health-care reporting, *Los Angeles Times* medical correspondent Edward Chen said health policy "is so complicated that few people understand it, and that includes a lot of people in the media." *Wall Street Journal* reporter Hilary Stout said, "Every editor in the country, including my own, will take anything with a slug called health."

In at least one case, the Democrats got their wish for unskeptical coverage. The DNC packet includes an unsigned editorial from the *Las Vegas Sun* that does little more than rewrite Fazio's attack on CSE.

CSE President Paul Beckner says campaigns against organizations like his happen all the time. In a way, he says, "it shows how effective groups with strong grass-roots support are. Groups like the NRA [National Rifle Association], the Christian Coalition, the NFIB [National Federation of Independent Business], and us"—advocacy groups DNC Chairman David Wilhelm has publicly attacked—"can mobilize people to change policies." The Democratic campaign against CSE, he says, is intended not "to debate issues but to slander their opponents."

The CSE newspaper ad in the Democrats' press kit asks five questions about Clinton's health-care plan: Will it "keep me from choosing my own doctors?"; "force me to pay for insurance benefits I don't want or need?"; "put government bureaucracy in charge of my health care decisions?"; "ration care by fixing prices?"; or "force me to pay more taxes for less health care?"

Beckner says his organization runs ad campaigns like this one to make complicated issues easier to understand. "A lot of policy makers want to keep things murky and unintelligible [for] average citizens," he says. "This makes it easier for them to pass legislation. That's a terrible way to run the government."

Perhaps the Democrats want to keep the health-care debate a private conversation among experts with acceptable policy views. Consider the October 21 press conference sponsored by two supporters of ClintonCare in the Senate, Harris Wofford (D-Pa.) and Tom Daschle (D-S.D.). Wofford and Daschle referred to health-care bills (none of which would force employers to provide health insurance) sponsored by Sen. John Chafee (R-N.H.), Rep. Jim Cooper (D-Tenn.), and Sen. Phil Gramm (R-Texas) as "a tourniquet, a Band-Aid, and snake oil," respectively. When Cooper heard his alternative called "rock-bottom, Wal-Mart coverage," he told the Associated Press, "Being called Wal-Mart is not necessarily an insult. Some in the administration should hope their plan should be so popular."

This substance-free attack aimed at less-statist alternatives can serve another purpose. While Clinton decides what changes he will accept in his health-care proposals, two points appear non-negotiable: The plan must guarantee coverage for everybody, and it must coerce employers into paying premiums to support the plan. Any reforms that fail to meet those conditions, such as the ones offered by CSE and Citizens Against Rationing Health, may be excluded from the debate.

Gramm introduced his own health-care package on October 13. It prominently features medical savings accounts. Clinton spokesman Kevin Anderson called Gramm's proposal "the latest and silliest" idea on the table. "It doesn't work," Anderson said. "It doesn't do anything. It's not reform." At least it isn't a hate sheet. ®

Rick Henderson is Washington editor of REASON.

Kessler's Log, Supplemental

By Carolyn Lochhead

FDA chief David Kessler says he doesn't want to restrict access to dietary supplements, but the FDA's proposed regulations say otherwise.

THE OPENING ACT OF A WASHINGTON power grab always makes for fascinating, if now increasingly common, spectacle. But Food and Drug Administration Commissioner David Kessler's war on vitamins, minerals, and other dietary supplements is a real standout.

Kessler knows how to put on a show in the committee hearing rooms of Capitol Hill, where in the last few months he has been promoting his plan to impose sweeping new regulations on supplements. His assistants are even making the rounds of newspaper editorial rooms to press the FDA's case.

Kessler adamantly denies that the FDA will in any way limit access to or doses of vitamins and other supplements. He accuses critics of scaremongering. Yet the FDA's advance notice of proposed rule making in the June 18 *Federal Register*, the government's regulatory bible, indicates otherwise. Indeed, one gets a sense of cognitive dissonance listening to Kessler and reading the official record, which says that the agency would like to regulate amino acids as drugs, remove a number of herbs from the market, and set safety limits on vitamin and mineral potencies.

Matching Kessler's public statements against the scientific evidence can easily give the impression that it is the FDA chief who is doing the scaremongering. Perhaps the extreme positions outlined in the *Federal Register* notice were mere trial balloons. Nevertheless, Kessler has made it clear that the FDA wants to suppress consumer information about nutrients by forbidding manufacturers from making any

For David Kessler, L-tryptophan is the new thalidomide, despite evidence that a contaminant accounted for its ill effects.

health claims without prior FDA approval. Such a position is dubious at best, given the breath-taking new findings about the critical role nutrients play in preventing the chronic diseases that kill modern Americans—cancer, heart disease, diabetes, osteoperosis—as well as cataracts, infectious diseases, neural-tube birth defects, and other conditions. (See "To Tell the Truth," April.) The potential human cost of restricting such information is huge.

When his time comes to testify at a subcommittee hearing, Kessler strides to the witness table and a bevy of aides springs into action. They set up large colored charts illustrating supplement dangers and heap on floors and tables big clear plastic bags filled with supplement bottles, presumably dangerous, fraudulent, or both.

His voice rising in indignation, Kessler insists that, contrary to what the $4-billion dietary supplement industry says, he is not out to deprive anyone of vitamins. (The $4-billion figure implies an unspoken connection between industry revenue and public danger.) Charges that the FDA is out to restrict consumer access or limit potencies, he insists, are "absolutely false." But if someone wants to sell such products, he adds, the FDA has to make sure that there is "no problem with safety," that "the potencies are reasonable," and that any health claims are supported by "significant scientific agreement."

AS IT TURNS OUT, THOSE ARE MAJOR RESTRICtions. Kessler believes that the dietary supplement market is "awash in unsubstantiated claims," that manufacturers are bilking consumers by selling "snake oil" cures for everything from baldness to AIDS. False claims, he says, not only cost unwitting consumers millions but so mislead them that they neglect proper medical treatment.

The solution, Kessler insists, is prior FDA approval of any health claim. But prior approval requires considerably more than the reasonable-sounding plea that health claims be "scientifically valid." It amounts to subjecting vitamin health claims to something like the extensive clinical trials that the FDA now requires for drug approvals, a cumbersome process that takes over a decade and costs some $230 million. For a patentable pharmaceutical, FDA's nod might be worth the investment. For inexpensive vitamins and minerals long in the public domain, such a process presents an insuperable barrier.

"There is a downside, and that's cost," Kessler concedes to one skeptical congressman. But righteous indignation rises again to dispel such worries. "The answer is not to throw up our hands," he adds. "The choice is whether to hold [supplements] to a scientific standard or not. Somebody's going to have to fund the research to do that."

So far, the FDA has rejected every nutrient/disease claim except the link between calcium and prevention of osteoperosis, and approval for that claim

came nearly a decade after the National Institutes of Health confirmed the connection. Two years after the Centers for Disease Control said that folic-acid supplements reduce the risk of neural-tube defects, the FDA still has not authorized that claim, although it says it will. Meanwhile, some 2,500 such birth defects occur each year. The FDA continues to reject claims about dietary fiber and cardiovascular disease and cancer, zinc and immune function in the elderly, omega-3 fatty acids and heart disease, and the antioxidant vitamins A, C, and E and cancer.

Kessler wants manufacturers to subject nutritional supplements like these to tests similar to the costly clinical trials for new drugs.

In just the last five years, massive new evidence has poured forth on the role nutrients play in preventing heart disease and cancer. Highly credible studies are indicating astonishing rates of disease reduction—as much as 40 percent in heart disease with vitamin E supplementation. If a pharmaceutical were discovered that reduced the risk of heart disease by 40 percent with no toxicity and cost pennies a day, it would no doubt be hailed as a miracle drug.

In a revealing moment, Kessler acknowledges to a subcommittee that nutrition science is "evolving." But he adds that his grandmother taught him to eat a well-balanced diet, and that is "certainly the best approach. It was good back then and it's still good today." Jeffrey Blumberg, a nutrition professor at Tufts University in Boston, says such a statement "tends to deny the last 40 years of research in nutrition science," implying that "Kessler's grandmother represented the state of the art 40 years ago and today as well, and that's wrong."

After Kessler's appearance (and the departure of most reporters), Gladys Block, a nutrition scientist at the University of California at Berkeley, testifies that the FDA's drug model simply does not fit nutrition. "The search for a 'magic bullet,' for *the right* nutrient, comes from a medical model of the right drug to kill a microbe and cure a disease," Block says. "Public health, health promotion, demands a different model. There is no one right nutrient."

WHILE KESSLER CATEGORICALLY DENIES that the FDA will limit "megadose" vitamin supplements, the agency made clear the direction it favors in its *Federal Register* notice. There is a "need for a comprehensive science-based evaluation of the potential toxicity of vitamins and minerals at various intake levels," the agency says, and a "need to establish the levels of intake" that are safe. The notice cites FDA task force recommendations for a new "dietary supplement limit," or DSL, "for each vitamin and essential mineral." The agency elaborates at length on how a large number of supplements on the market exceed the government's existing RDAs, or Recommended Daily Allowances. These are levels that nutrition scientists say are the bare minimum necessary to gradually reverse such acute nutrient-deficiency syndromes as scurvy.

The FDA has tried to limit vitamin and mineral doses before. It was stopped only when Congress intervened in 1976 with the Proxmire Amendment, which continues to prohibit the agency from doing so. Yet if the FDA establishes so-called DSLs, the result could well be a de-facto potency limit for manufacturers afraid to market anything more than what is deemed safe by the FDA.

Kessler's real trump card, however, is a contaminated batch of the amino acid L-tryptophan, linked to 38 deaths and 1,500 injuries in the United States. For Kessler, L-tryptophan is the new thalidomide, the 1950s-era drug that caused hideous birth defects in Europe and led to a huge expansion of FDA power (even though the FDA's regulatory authority was strong enough at the time that thalidomide was never approved for sale in the United States).

Kessler repeatedly cites the L-tryptophan incident, despite convincing evidence that the contaminant was solely to blame. The agency now goes so far as to say that the essential amino acid itself *could* be the culprit. Blumberg, the Tufts nutrition professor, himself no devotee of amino acids, says the FDA position is "very hard to understand. I have not seen any evidence, none, zero, and the FDA hasn't put any forth. They've just made this speculation." Indeed, the FDA continues to allow L-tryptophan in infant formulas and hospital intravenous feeding—presumably because the ingestion of this suspected "toxin" is essential to maintaining health.

At each congressional hearing on supplements, several unfortunate victims of the L-tryptophan incident testify to the members, who cannot fail to be moved by their tragic stories (each of them linked only to the contaminated batch). As Connecticut Democrat Rosa DeLauro leans forward to nod in sympathy, as committee chairmen John Dingell and Henry Waxman warn darkly of the dangers of unregulated snake oils, as the weather vane *Washington Post* runs its piece on how Utah Republican Orrin Hatch, the FDA's chief opponent in the vitamin wars, is a paid-off stooge for the vitamin industry, one has to admire David Kessler's masterful performance. ®

Contributing Editor Carolyn Lochhead is Washington correspondent of the San Francisco Chronicle.

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Recovering from a Tailspin

By Jack Kammer

Criticism of the Navy's "male culture" masks the facts of Tailhook and complex issues about integrating women into the military.

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NEWS
TAILHOOK REPORT
LURID DETAILS

SECRETARY OF THE NAVY JOHN DALTON was right—although for the wrong reasons—when he alleged in October that Admiral Frank Kelso was culpable for a "failure of leadership" in the Tailhook mess. Defense Secretary Les Aspin was right—also for the wrong reasons—to reject Dalton's recommendation that the chief of naval operations be fired for his shortcomings. Kelso's main failure was not in allowing Tailhook to happen, as Dalton charged, but in allowing it—and the entire future of the Navy—to be spun out of his control.

The scandal surrounding Navy pilots' Tailhook Association convention in 1991, particularly the sexual abuse charges made by Lt. Paula Coughlin, is typically reported as a clear-cut example of what's wrong with the military regarding the expanding role of women: The old-boy network just doesn't get it and sanctions misogyny as a semi-official policy.

But when the events are examined from a perspective less distorted by feminist aims and ideology, that black-and-white view fades to battleship gray. The picture that emerges is one of people whose commitment to military preparedness is dubious but whose fixation on sexual politics is unquestionable. Criticism of "male culture" and calls for male sensitivity training mask more complex issues about integrating women fully into the military and instituting universal standards of performance and behavior.

Tailhook wasn't the first time a complicated military issue was reduced to a simple morality play of bad men oppressing virtuous women. On May 28, 1990, the National Organization for Women picketed in Annapolis to register its unhappiness over reports that upperclassmen at the Naval Academy had chained a female first-year student named Gwen Dreyer to a urinal. But the protesters were countered by a group of *female* midshipmen, one of whom said that the incident was "not a matter of gender, it's a part of life here."

This woman told the Baltimore *Sun,* in reports published the next day, that she had participated in the hazing of females and that before the 1989 Army-Navy football game, she had "helped to strip, tar and feather a West Point cadet." She also said that female midshipmen were involved in handcuffing Dreyer to the urinal. Another female middie told the picketers, "There is no way you have of knowing the truth....you don't know what the norm is....you are doing a lot of damage." A third academy woman, possibly referring to the Annapolis newspaper's banner headline ("Tormented female mid resigns") and subhead ("Woman handcuffed to toilet, taunted"), told the demonstrators that misunderstandings fueled by "yellow journalism" were "hurting a lot of good people here."

All of this context notwithstanding, the NOW members continued to demand that the men—but not the women—involved in Dreyer's handcuffing "be forced to go through sensitivity training and their graduation should be deferred until they understand what they have done."

On May 30, 1990, the *Washington Post* also reported the Dreyer incident with perspective: "In interviews, several midshipmen said that although what happened to Dreyer was unusual because the men who handcuffed her were of a higher rank, it was not extremely different from common occurrences. For example, they said that upperclassmen are often tied to chairs and put outside or have their heads put in toilets as retaliation by plebes they command. They also doubt Dreyer was targeted because she is a woman, but instead think the episode, while wrong, grew out of Dreyer's involvement in a spirited snowball fight."

But less than two months later, the

CHIP BOK

Dreyer story was spinning like a gyroscope pointing to some feminists' idea of true north. By July 19, 1990, the *Post* had honed the story to its male-shaming essence: "Dreyer was chained to a urinal in a men's room before a jeering crowd of her male classmates." Columnist Mary McGrory took that sentiment to sarcastic new lows when she made gratuitous reference to an Iraqi missile that killed American Navy men in the Persian Gulf. "The trouble at Annapolis," she wrote, "goes deep: insecure men, feeling threatened by bright women excused from combat; a service-wide identity crisis caused by the fact that its ships have become little more than targets for Exocet missiles."

Reeling from the bad press and political pressure, the academy cooperated with the formation of a congressional Committee on Women's Issues. Committee member Sen. Barbara Mikulski (D-Md.) soon declared, "What we need to work on at the United States Naval Academy is an attitude change." Another committee member, Rep. Helen Bentley (R-Md.), announced, "We cannot guarantee there will not be incidents in the future, but what we must guarantee is that there will be zero tolerance for such incidents." The committee made far-reaching demands, one of which smacked of Orwellian thought crime: "the immediate dismissal of senior officers who question the role of women in the military." The superintendent of the academy pledged speedy adoption of the committee's "recommendations."

TAILHOOK FOLLOWED A SIMILAR PATTERN, both in how it was reported and in how the Navy responded. As the Defense Department inspector general's Tailhook report makes clear, the convention was a spirited bacchanalia in which both women and men willingly participated.

"Our investigation revealed that many women freely and knowingly participated in gauntlet activities," the report stated. "A significant number of witnesses reported that women went through the gauntlet and seemed to enjoy the attention and interaction with the aviators. Those witnesses, both men and women, generally stated they could tell the women were enjoying themselves because, despite being grabbed and pushed along through the crowd, they were smiling and giggling. Some of the women were observed going repeatedly through the gauntlet. Many women who went through the gauntlet told us they did so willingly and were not offended by the men touching them. A civilian woman employed by the Navy told us of a conversation she had with another young woman whom she met while on a commercial flight into Las Vegas to attend Tailhook 91. The young woman described the gauntlet and said that, at about 3:00 a.m., things get 'real rough' and wild on the third floor. According to the Navy employee, the young woman implied that she enjoyed this type of activity and that was the reason she was going to Tailhook 91."

By the I.G.'s own admission, at least five of the 83 female "victims" insisted they were nothing of the sort: "The victim told us that she did not consider herself a victim of any criminal activity.... The victim told us that, in her opinion, she was not a 'victim' of an assault....The victim felt that she handled the incident and objected to being labeled as a 'victim'....The victim felt she resolved the situation and does not consider herself to be the victim of an assault....The victim stated that she did not get upset at the incident and did not feel that she was assaulted."

One of these "victims" of "sexual abuse" wrote in a widely distributed letter to the editor (which no editor published), "This Tailhook investigation has been blown severely out of proportion....I thought nothing of the incident and never considered it an assault of any kind."

Certainly some unsuspecting women were caught in activities they understandably found offensive. But after Coughlin captured the media with her unquestioned claim that she was among the unsuspecting and offended ones, activists began to spin Tailhook like a top. They insisted that the drunken aviators in Las Vegas represented a widespread culture of oppression and hostility toward military women. Such claims ignored female officers' will-

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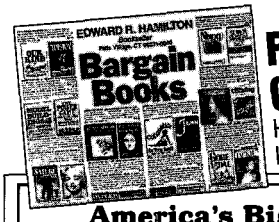

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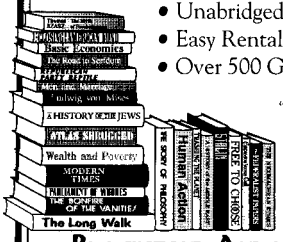

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ing participation in such Tailhook traditions as "belly shots" (drinking liquor out of a person's navel) and "leg shaving" (in which a male officer shaves a woman's legs).

The Navy defended itself by hoisting a white flag. "I need to emphasize a very, very important message—we get it," Acting Navy Secretary Sean C. O'Keefe told a September 1992 news conference. "We know that the larger issue is a cultural problem which has allowed demeaning behavior and attitudes toward women to exist within the Navy Department."

The Pentagon must now take control of sexual harassment and other "women's issues" from those energized by ideology more than by a commitment to the military.

A few weeks later O'Keefe announced an 80-step plan to "enhance professional opportunities for women" in the Navy and to "deal with the culture, environment and attitudes that contribute to sexual harassment and gender bias." His response ignored the General Accounting Office's finding that the most commonly reported "sexual harassment" of women at the service academies consists of remarks from other cadets that standards have been lowered to admit women. Such "sexual harassment" is devoid of sexual content and suggests that the best way to ensure that women achieve equality in the military is to reduce rather than increase special treatment for them.

Admiral Kelso, with his crippled ship commandeered by activists, succumbed to the Stockholm syndrome. To ensure his own survival, he began to identify with his captors. He ordered, among other steps, a one-day stand-down for all hands to be trained about sexual harassment. A female commander in the Navy Reserve says the training included three videotapes that "cast the typical male service member as a brutish predator who at all times would stare at, look at, and suggest sex to any female in his vicinity. The man looked like a prowling tomcat. No woman ever did anything wrong." The men forced to attend this supposed sensitivity session, she says, were resentful and offended. "They just went blank. There's no avenue for the men to counter this."

INTEGRATING WOMEN INTO THE MILITARY will require both sexes to examine their attitudes and behaviors toward each other. The leadership challenge facing the Pentagon is to take control of sexual harassment and other "women's issues" from those energized by opportunism and ideology more than by a commitment to the military. This should be especially clear to Aspin, who acknowledged in June that the quality of recruits has declined since 1991 and that questions surrounding women in combat and sexual harassment might be a cause.

The military must find the courage to say, "Yes, Tailhook was a mess. It demonstrates that sex is a powerful force and that both men and women are sexual beings. Questions of gender fairness are complex; men and women both think they deserve special treatment. We will deal with these issues. But we will not be bullied. We will not be pushed. Nor will we allow our sailors and soldiers to be shamed."

If Kelso can line up the support of his superiors to take such a stand and pursue such a policy, he can get the Navy underway proudly again on a course that is fair and respectful of all personnel—women and men alike—at a prudent speed into turbulent and uncharted waters. That would be a triumph of leadership that Aspin and Dalton should both approve. ®

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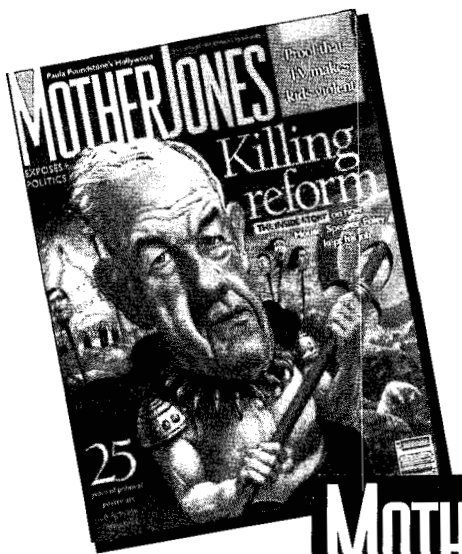

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Species Argument

By Jeff A. Taylor

Counting species may become the pretext for another federal land grab.

Interior Secretary Bruce Babbitt wants federal inspectors to look for endangered species on every parcel of land in the country, but grass-root fears have led Congress to curb his ambitions.

LAST JULY, SEVERAL farmers in the San Joaquin Valley received disturbing letters from the Interior Department's Bureau of Reclamation. The letters informed them that the bureau intended to look for endangered species on their land and asked permission for inspectors to enter the property. Denying permission wasn't really an option, however. If the landowners refused to participate voluntarily, the letter warned, "uncultivated parcels will likely be labeled as habitat if absence of species cannot be confirmed by inspection."

The letter set off a panic, says Carol Richardson, an attorney for the California Farm Bureau. Farmers had reason to fear even the suggestion that their land might be designated endangered-species habitat—with or without an inspection. Declaring land habitat imposes strict use controls. When, for example, the U.S. Fish and Wildlife Service had designated a habitat-study zone in the area, Richardson says, one family lost $60,000 worth of production a year. The "arbitrary, very large" zone is off limits to crops, which means the family can't replant in the area.

Other penalties are more subtle but no less devastating. "We have had banks refuse to make loans to buy properties because of fear they won't be able to plant," Richardson says. If Interior agencies continue the property-owner-as-the-enemy approach, she says, "we'll fight it to the ditches here."

That last-ditch attitude recently won a small victory that may presage more important ones later this year. As environmentalists seek to extend government control of private land in the name of habitat protection, they may have overreached. Landowners are organizing, and they are winning unlikely allies.

The San Joaquin Valley farmers, for instance, won the support of Rep. Richard Lehman (D-Calif.), a regular backer of environmental causes. He joined 174 other members of Congress in voting against funding for the National Biological Survey, a new agency that Interior Secretary Bruce Babbitt has called his "top priority." Lehman worries that the NBS will perpetuate, if not worsen, the confrontational stance Interior has taken toward farmers. Threatening habitat designation to win inspection rights "is no way to foster positive relations between the federal government and private landowners," he observes.

The idea of the NBS is straightforward enough. Rep. Gerry Studds (D-Mass.), one of the agency's chief congressional sponsors, says the NBS has "a simple, yet awesome mission—catalog everything that walks, crawls, swims, or flies around this country." To do this, NBS agents must enter every parcel of land in the country. And, unlike the U.S. census, the NBS won't fan out just every decade; its mission has no downtime. Although supporters note that a complete count could prove that some species are *not* endangered after all, landowners fear that the net effect will be to transfer de-facto control of thousands of more acres to the federal government.

ALTHOUGH FUNDING FOR THE NBS WON House approval, the new agency did not get the carte blanche it expected. Members of Congress, responding to grass-roots fears, appended several amendments restricting NBS activities to the original bill. Rep. Billy Tauzin (D-La.) won approval (217-212) of a rider forbidding the use of "volunteers" from activist groups in conducting the survey. And Reps. Charles Taylor (R-N.C.), Richard Pombo (R-Calif.), and Gary Condit (D-Calif.) sponsored an amendment requiring written consent from landowners before NBS agents can enter private property. The Taylor Amendment, as it came to be called, passed by an

overwhelming 309-115 vote.

Babbitt also shelved an attempt to shield the NBS from the Freedom of Information Act. The secretary's concern was, and still is, that if NBS surveys are released property owners could go out and kill species whose presence would trigger land-use restrictions. In the western United States, this is known as the "shoot-shovel-and-shut-up" response to animals the feds have taken an interest in.

Even with its various amendments, the NBS funding proposal is unlikely to pass muster in the Senate, where it will meet strong resistance from big-state senators with heavy land-use constituencies. Myron Ebell of the National Inholders Association, a property-rights group opposed to the NBS, says that the chances for passage are so slim that Babbitt's supporters might not even present the bill for a vote. *The Wall Street Journal* raises the possibility of a filibuster.

BABBITT DOESN'T NEED CONGRESSIONAL permission to create the NBS, only to fund it fully. The new agency is essentially a reorganization of the research and survey duties of the three Interior bureaus (the U.S. Fish and Wildlife Service, the National Park Service, and the Bureau of Land Management) most concerned with tracking species, as well as lesser contributions from five other bureaus.

Without new funding, however, the NBS must scale back its original mission from a complete inventory. A spokeswoman for the NBS Implementation Task Force says the survey's "focus will be on sensitive areas." An NBS press release discusses "expanding research on Everglades National Park to provide an ecosystem perspective on the forces causing severe ecological problems facing the Everglades" as an example of a project to be included under the NBS.

Legally, NBS agents will have to obey state and local laws regarding trespass. But this has little meaning if, like the Bureau of Reclamation, officials plan to count the land as endangered habitats (with attendant land-use restrictions) unless they receive permission to inspect. Similarly, claims that the NBS will be "an independent, non-regulatory source of information about the nation's biological resources" are tough to swallow, since, according to an NBS fact sheet released by the Department of the Interior, "the organization structure and culture of NBS are, from the start, designed to maximize responsiveness to Interior decision-makers."

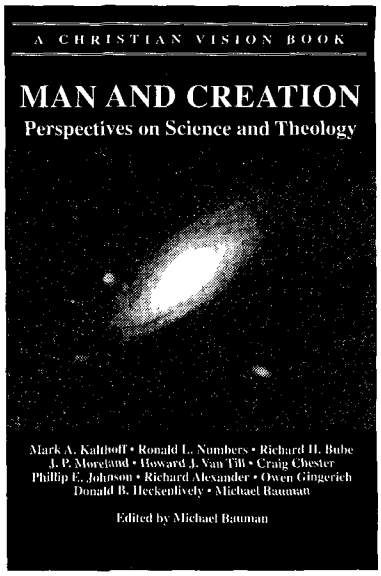
Many participants in the NBS debate see it as a preliminary bout before the environmental title fight of 1994: reauthorization of the Endangered Species Act, originally passed in 1973. Environmental groups view the act as landmark legislation that has done much to protect species on public lands. Their goal now is to improve that record on private lands, which the National Heritage Data Center estimates provides a home for fully half of the 728 species currently listed as endangered.

To do that, one strategy would be to use the NBS to count everything and then to impose strict land-use limitations to protect newly identified habitat. Babbitt's interest in anticipating and preventing what he calls "environmental train wrecks" and his stressing "ecosystem management" seem consistent with such an approach.

Such extensions look less likely in the wake of the NBS debate. Even Sen. Mark Hatfield (R-Ore.), one of the authors of the original act, has said it "is being applied far beyond the scope of what any of us who helped adopt it intended." Says Jim Streeter of the National Wilderness Institute, "Advocates want no change in ESA, but now their confidence in doing that is [weak] and there's a chance to make ESA more flexible."

Nancie Marzulla, chief counsel for and president of the Defenders of Property Rights, says the NBS amendments indicate that "the message has gotten out that there are legitimate property-rights concerns." Even though the anti-NBS vote came up short, it may count for more in the future.

Jeff A. Taylor is a national political reporter with Evans & Novak.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Righting the 'Rithmetic

By John Hood

Credible statistics are essential but hard to come by in debates over education policy.

IN PUBLIC-POLICY BATTLES, STATISTICS fly fast and furiously. Whether you score a hit depends a great deal on presentation and credibility. During last year's presidential campaign, for example, President George Bush's assurances that the national economy was rebounding from a relatively mild 1990–91 recession were met with catcalls and snide "he just doesn't get it" remarks.

But in August, the Clinton Commerce Department released data showing that Bush was, indeed, correct: The economy grew by about 4 percent during 1992, while the depth of the previous recession had been exaggerated. "There must be people in the White House this morning [saying], 'Thank God these numbers weren't released during the election,'" commented Bank of America senior economist Michael Penzer.

In debates on education policy—where state and local government agencies play the most important role—statistics are even more poorly gathered and interpreted. Each state has its own idiosyncrasies: how public education is organized, how government employees are classified, etc. These difficulties are rarely understood by the general public or even by education "experts," so the quality of the debate suffers. Countless governors and legislatures have created entire educational programs, from school-district equalization to teacher salary schedules, based on inaccurate data.

Unfortunately, the use and abuse of education statistics exist on all sides of the reform debate. Advocates of school choice and privatization sometimes overstate school spending. Defenders of the status quo frequently understate it. And through it all, self-interested players such as the National Education Association continue to enjoy reputations as non-partisan, reliable sources of information.

You might be surprised to learn that the NEA supplies the Department of Education, academic researchers, and education activists on both sides with virtually all information on the nation's teachers. Not surprisingly, this information indicates that teachers are underpaid compared to other professionals, that wide disparities exist among states in teacher pay, and that teacher pay has stagnated over the last 20 years, growing 4 percent (and declining in real terms during the 1970s). "Unfortunately," writes school privatization advocate Myron Lieberman in his new book, *Public Education: An Autopsy*, "the media and the U.S. Department of Education ignore the fact that the figures are prepared by an organization with a huge stake in how they are interpreted."

The "good guys," however, also parrot the NEA's line. The recent Report Card on American Education by the American Legislative Exchange Council—released to great fanfare in Washington by former Secretary of Education Bill Bennett—used the NEA's numbers, too. In its state-by-state analysis, ALEC found that some states' teachers had actually lost ground in the last 20 years. Conservatives spin this result by saying that public schools have spent an increasing share of their budgets on non-teaching personnel and non-instructional expenses, and a declining share on teachers, proving the need for vouchers and privatization to move the focus back to the classroom.

This argument is clever but unnecessary (and probably futile, if it's intended to attract a great many public-school teachers to the choice banner). Teachers are doing quite well, thank you. The NEA's numbers purposely do not include the value of non-wage benefits such as health insurance. Since the early 1970s, teachers, like other American employees, have sought compensation increases in the form of benefits rather than wages, since the former are provided tax-free.

WHILE THE NEA HAS NOT CHOSEN TO REport benefits as part of teacher compensation—though local unions can call up such data in seconds during salary negotiations—surveys have shown that benefits today can make up as much as 35 percent of a teacher's total compensation package. If benefits for teachers increased as a share of total compensation at the same rate as benefits for university professors did (and there's good evidence to suggest it may have risen even faster than that), then the average teacher saw a sizable 20-percent real rise in total compensation during the last 20 years.

State-by-state comparisons run into other problems. For one thing, the data are not adjusted for cost of living—even though earning $30,000 in New York City is markedly different from earning $30,000 in Jackson, Mississippi. Earlier this year, my think tank generated a national ranking of both average teacher compensation and per-pupil expenditure adjusted for in-state costs. More notable than the states that fell or rose significantly in the rankings was the fact that, in both categories, the gap between highest and lowest shrank. In an effort to prove that some children are "shortchanged" in public education, policy makers, authors, and journalists have trumpeted the extent to which states differ in their investments in schools. But cost-of-living differences account for a good portion of school-spending variance, weakening the case for federal "equalization" of resources.

Apart from state-by-state differences, total school spending in the United States

Public Per-Pupil Spending on Preschool and K-12 Education
(1989 or Latest Year Available)

Country	Spending	(Year)	Country	Spending	(Year)
Switzerland	$ 4,845	(1988)	France	$ 2,483	(1988)
United States	4,644	(1989)	Netherlands	2,413	(1988)
Sweden	4,040	(1989)	Japan*	2,243	(1988)
Denmark	4,005	(1988)	Australia	2,197	(1987)
Canada	3,730	(1989)	Italy	1,963	(1986)
Austria	3,613	(1989)	Turkey	1,954	(1989)
Finland	3,377	(1989)	New Zealand	1,675	(1988)
Norway	3,336	(1988)	Portugal	1,538	(1989)
United Kingdom	2,897	(1988)	Ireland	1,405	(1987)
Belgium	2,521	(1987)	Spain	938	(1989)
Germany (Former West)	2,487	(1988)			

*Expenditure data include both public and private spending on education.
Source: U.S. Department of Education, July 1992

is routinely underestimated because of other measurement problems. As Lieberman and other analysts have pointed out, official school spending statistics leave out an awful lot. A partial list of expenditures excluded from federal data includes business and foundation donations, donated time, pension contributions, the cost of negotiating contracts, the cost of training teachers, remedial education in colleges, judicial costs, out-of-pocket parental expenses, and federal educational programs in departments other than Education (such as Head Start). Since real per-pupil spending even as currently measured shot up 62 percent from 1973 to 1993 (according to the ALEC study), an accurate analysis of total spending would no doubt find an even bigger jump.

The quality of data about higher education is hardly better than that for K-12 education. The American Association of University Professors (higher education's NEA) provides professor-pay statistics that include benefits, but the AAUP does not adjust for each college's local cost of living. When I did so, I found that compensation at some schools—such as New York University, Columbia University, and U.C.-Berkeley—plunged dramatically in the national rankings.

Why does the AAUP leave out cost-of-living adjustments? Because, says AAUP General Secretary Ernst Benjamin, they would be "controversial," with each community having "a stake in saying their cost of living is the lowest." Since these data are already collected by chambers of commerce and used by corporate executives in relocation decisions, however, Benjamin's argument doesn't wash. The real reason seems to be that the adjustments would weaken the AAUP's political argument for more state aid to public universities to compete with elite private institutions for faculty. Many of those private schools are in the highest-cost areas, so the salary differential between them and their public counterparts isn't as large as the AAUP would like to portray.

With local, state, and national education statistics compromised by measurement problems and institutional bias, it should come as no surprise that international comparisons are even more seriously flawed. For years, the Education Department compared total education spending in countries only by reporting public expenditures as a percentage of the gross national product, which generates strange results; poor Third World countries may well spend more of their meager income on education than the United States, but one would hardly consider teachers and students in those countries better off. I spend a higher percentage of my income on housing than does Microsoft's billionaire founder Bill Gates. Does that mean I'm living more luxuriously?

This flaw didn't stop candidate Bill Clinton when he used the numbers to "prove" America's need for more "education investment" during the presidential campaign. Obviously, the appropriate measure is per-pupil spending, adjusted for purchasing power in the various countries. But the Education Department's attempts at this, beginning only a couple of years ago, leave a lot to be desired; for some developed countries, the most recent data we have date back to 1987. And we really have no idea how our peers in Europe and Asia—not to mention the rest of the world—measure "public" education spending. As it is, Japan's per-pupil spending number includes both public and private expenditures on education. So it's truly shocking that this inflated number is still less than half that of the United States' public spending number (see table).

Other data are equally flawed. Some education "reformers" are touting the benefits of a longer school year, arguing that students in high-achieving countries like Korea succeed because they stay in school longer (222 days) each year. But while the United States ranks low in total school days (178), it ranks very high in the length of those days: Only four countries out of 20 participating in the 1991 International Assessment of Educational Progress provide more instructional minutes each year to their students than the United States. Korea, which tops most achievement lists, is not one of those four.

These examples barely scratch the surface in identifying misuse of education statistics. Some are quite embarrassing. The ALEC Wall Chart, for example, reports only current-dollar spending amounts, thus wildly exaggerating spending growth. For advocates of free enterprise and competition in American education, the challenge is to use numbers and information to question the establishment's claims without losing our own credibility. As Bush discovered, it's not enough to be right—you also have to be believed.

Contributing Editor John Hood is vice president for research at the John Locke Foundation, a state-policy think tank in Raleigh, North Carolina.

Child's Play, Too

By Charles Oliver

In the '90s, Hollywood won't make movies for the whole family but will do more children's films.

There's a new incentive to produce films like *Beethoven* that emphasize the sort of preverbal physical humor very young children appreciate.

1993 WILL BE REMEMBERED as the year that dinosaurs ruled the cinema box office. Steven Spielberg's raptors have generated more than $700 million in global ticket sales, and *Jurassic Park* seems well on its way to becoming the first movie to gross $1 billion.

Meanwhile, dinosaurs of another type—aging leading men—did their part to give Hollywood what is expected to be its biggest year ever at the box office. Robert Redford proved with *Indecent Proposal* that he can still excite women, provided he wears a tuxedo throughout the film. Clint Eastwood and Harrison Ford went through their paces in action-adventure films and were rewarded with big hits. Even Sylvester Stallone had a comeback with *Cliffhanger*, though most people agree that the real reason this film did so well was director Renny Harlin.

But take a second look at those films. We have one tale of glamorous adultery. We also have several R-rated thrillers (we should also include *The Firm* in this category). And finally, we have *Jurassic Park*; sure, it was PG-rated, but even Spielberg admitted that it wasn't something that young or very impressionable children should see. Where are the family hits?

After all, 1993 was supposed to be the year of the family film. Hollywood gave us dozens of films carefully designed to appeal to everyone from six to 60. But of these, only two, *Free Willy* and *Rookie of the Year*, were even moderate hits. Theaters were littered with failed family movies: *Sidekicks*, *Cop and a Half*, *Into the West*...I could go on. Even Arnold Schwarzenegger's much-hyped attempt to be kinder and gentler, *The Last Action Hero*, flopped.

Contrary to the assertions of critics such as Michael Medved, there doesn't seem to be a huge market for family films waiting to be served by Hollywood. But then, Medved never really understood why Hollywood during the 1970s and '80s kept producing the sexy and violent films that earned his ire. So he may be at a loss to explain why in the '90s Hollywood won't make films for the whole family but will produce more children's films, even though the typical box-office take for these films may not be that impressive.

FIRST OF ALL, A LITTLE HISTORY. THE EXPANsion of television in post–World War II America had a disastrous impact on the cinema. Average weekly movie attendance fell from 90 million in 1948 to about 19 million in 1991.

But the decline wasn't across the board. The people who reduced their movie attendance or stopped going entirely were disproportionately more likely to be older people, children, or female. As a result, the single biggest bloc of moviegoers was made up of males aged 12 to 25. This segment was also the group most likely to give any particular film the sort of repeat business that creates a hit.

Movies began to cater to this crowd. Films became more violent and sexier. Exploitation films, once a small niche of the movie business, became the mainstream.

This tendency was reinforced by the increasing importance of foreign markets. As Asians and Europeans became wealthier, their demand for entertainment grew. Hollywood stepped in to fill this need, but it found that American comedy didn't always translate and that dramas about middle-class American families left foreign audiences baffled. But breasts and guns were universally understood and appreciated. Globally, Clint Eastwood, Arnold Schwarzenegger, and Sylvester Stallone became the biggest box-office draws. About half of *Jurassic Park*'s $700-million gross has come from foreign markets, and it hasn't even opened yet in some key countries. Today foreign box office makes up almost half of the total theater revenue of the major studios. That's up from less than a third in 1970.

But just as market forces drove movies to become sexier and more violent in the 1970s and '80s, these forces now dictate that movies—some movies, anyway—will have a more wholesome appeal. With total annual U.S. theater attendance stuck at about the billion-admission mark for

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the last 20 years, Hollywood has been forced to develop ancillary markets for its products. In the 1970s and '80s, these ancillary markets were foreign nations. But with these markets maturing, Hollywood is looking for other ways to profit from its products. Chief among them are licensing and sell-through videotapes.

Star Wars proved that a movie popular with children can generate as much in licensing royalty revenues as it does in box office returns. But it was *Batman* that demonstrated just how lucrative licensing can be. In addition to licensing dozens of different products bearing the Bat logo, Warner Bros. developed deals with McDonald's and other corporations that allowed a powerful cross-promotion of the different products. The result was a major hit, not only at the box office but in every other venue. The movie grossed more than $400 million, but some industry analysts estimate that it made even more money for the studio in sales of licensed goods.

Batman the movie also furthered the rejuvenation of *Batman* the comic book, which is also owned by Time Warner, and it spawned a live-action show in the company's Six Flags amusement parks. In addition, the success of the film inspired Warner Bros. to create a new *Batman* cartoon series, which has been quite successful.

Indeed, *Batman* demonstrates how market forces can temper artistic judgments. The film was basically a dark tale aimed at young adults. But because of licensing concerns, the darker elements were kept in check to prevent it from getting an R rating. If children couldn't see the film, they wouldn't want the Batgoods.

The amusement-park tie-in that contributed to *Batman*'s profits was, of course, pioneered by Walt Disney Co. back in the 1950s. Today, Disney's theme parks provide more than half of the company's total revenue. And the other major studios have either expanded their own theme parks (such as MCA's Universal Studios tours) or bought theme parks of their own (such as Time-Warner's recent acquisition of the Six Flags chain). In each case the companies are planning to increase their output of animated features to generate rides for the parks.

They've also taken another line-extension lesson from Disney. In the late '80s, Disney developed the concept of sell-through home video. Previously, studios had thought that the only people interested in owning videos were rental stores and a handful of cinephiles. But Disney knew that its products were the sort that children would want to watch again and again, and if the videos were priced right, parents would buy them for children. So Disney dropped prices on its features from the $80 range to about $30 and watched its home-video division skyrocket to $1 billion in annual sales.

Batman demonstrates how market forces can temper artistic judgment. The movie's darker elements were kept in check to prevent it from getting an R rating. If children couldn't see the film, they wouldn't want the Batgoods.

Those sales, in turn, pumped up even more profits for products licensing Disney animated characters and, just as important, became the driving force for new rides and attractions at the company's theme parks.

If a film has enough appeal to children, it can be an even bigger hit in the video market than at the theater. Last year, for example, the shaggy dog story *Beethoven* was a moderate success at the box office, earning about $40 million. But according to some estimates it had an even bigger gross in the video market, becoming one of the year's top-selling videos. What this all boils down to is that a *children's* movie (as opposed to a film with an appeal to the entire family) can be lucrative even when the box-office take isn't that great.

THE GROWTH OF THESE NEW ANCILLARY MARkets means we can expect continued pressure to tone down sex and violence in films with merchandise spinoff potential (such as *Jurassic Park*) to get a kid-friendly PG or PG-13 rating. That was the thinking behind Arnold Schwarzenegger's *The Last Action Hero*. Unfortunately, the large numbers of Schwarzenegger action figures left in toy company warehouses show what can happen when one of these movies isn't a hit.

And there's a new incentive to produce films with the sort of preverbal physical humor that very young children appreciate. Every studio is looking for the next *Home Alone* or even the next *Beethoven*. This was undoubtedly the driving force behind *Dennis the Menace*.

But there is still little incentive to produce movies geared toward the entire family. Sure, a studio might get lucky and turn out a *Free Willy*. On the other hand, given that about two out of three films fail at the box office, it's more likely to get a movie like *The Secret Garden* or *Searching for Bobby Fischer*, great films that are much appreciated by the relative handful of people who see them but that don't make money at the box office and don't have any real ancillary markets to earn additional dollars in.

These films may still get made, but not out of simple profit motives. Warner agreed to finance *The Man Without a Face* for Mel Gibson because he wanted to take a break from action films and direct a feature and Warner wanted to do a favor for one of its biggest stars. Similarly, Paramount made *Searching for Bobby Fischer* as a favor to producer Scott Rudin (who made *The Firm* and *The Addams Family* for them).

Does this mean that movies as a whole will be less violent or less sexy? No. There's still a huge market for adult films. Indeed, all of this year's biggest films featured themes or scenes of sex or violence that many would say render them unfit for younger viewers. But it does mean that the mix of films will change. In the future, not all films will cater to 16-year-olds. Some will cater to 6-year-olds.

Contributing Editor Charles Oliver writes for Investor's Business Daily.

Plane Truth

By Robert W. Poole Jr.

Collision Course: The Truth About Airline Safety, by Ralph Nader and Wesley J. Smith, New York: McGraw-Hill, 352 pages, $21.95

CHIP BOK

AIRLINE CRASHES ARE HORRIFYING events. As a frequent flyer, I am personally concerned about air safety, to the point of reading the detailed crash post-mortem reports by the National Transportation Safety Board and occasionally avoiding an airline on safety grounds. In addition, as a longtime transportation researcher, I have followed with keen interest the airline industry's evolution from cartel to open competition.

So I was especially curious to see what Ralph Nader's new book would have to say on airline safety. After all, a Nader group, the Aviation Consumer Action Project, had been one of the key members of the coalition promoting Ted Kennedy's airline deregulation efforts in the mid-1970s. And a Nader's Raiders group several years before had ripped apart the cartelization imposed on railroads and trucking by the Interstate Commerce Commission.

But then again, this is the 1990s, not the '70s. Thus, the thesis of this new book by Nader and fellow attorney Wesley J. Smith is that airline deregulation has made airlines less safe. Their argument runs as follows: Cutthroat competition has forced airlines to keep old planes in service, to use inexperienced pilots, and to cut corners on maintenance. The nominal safety regulator, the Federal Aviation Administration, is in thrall to the airlines (and is incompetent anyway). Hence, consumers are not being protected from the corporate airline buccaneers.

Unfortunately for their thesis, Nader and Smith immediately run up against some inconvenient facts. Every objective assessment of the statistics on airline accidents before and after deregulation shows significant reductions in accident and death rates in the years since deregulation became the law of the land. Nader and Smith even cite the leading academic work on the subject, *Why Airplanes Crash*, by Clinton Oster, John Strong, and Kurt Zorn (Oxford University Press, 1992), only to dismiss it as merely "statistical history."

Nader and Smith prefer to rely on anecdotes of horrible crashes, whistleblower accounts, and a few out-of-context statistics—e.g., counting raw *numbers* rather than *rates* of crashes, or reporting a one-year statistical upward blip while ignoring the underlying downward trend. Airline crashes are statistically rare events, and the only way to make sense of the data is to look at rates and trends.

In case the reader is still unconvinced, the authors' final argument is that even though the accident figures may still look good, the day of reckoning is not far off, since the "margin of safety" keeps being whittled away. They quote with approval a warning by Sen. William Roth (R-Maine) about eroding safety margins—but fail to comment on the fact that Roth made this warning seven years ago, and the projected epidemic of crashes has yet to appear.

NADER AND SMITH ARE ON SOMEWHAT less shaky ground when they take on the FAA's performance. They rightly criticize the agency's "dual mandate" to promote and to regulate aviation, a charge given to no other federal safety regulator. But their zeal to make their case, combined with economic illiteracy, too often leads them off course.

In now-classic Nader fashion, the authors attack cost-benefit analysis as putting profits before human lives. "It is wrong to deny the flying public safer transport because of some arbitrary equation," applied to a number of recent controversies, is typical of the book's rhetoric. The general problem with Nader and Smith's approach is captured in two sentences on page 71: "But this is not a book about economics. It is concerned with safety."

One cost-benefit study found that requiring the use of child safety seats on airlines would actually increase infant deaths. Using reasonable assumptions about how prices affect people's choice of travel mode, FAA analysts concluded that a significant number of families who now carry an infant on an adult's lap, if required to buy an extra ticket for a seat for the child, would opt to drive instead. As a result, given the relative accident and death rates for car trips compared to airplane flights, more deaths would occur. Nader and Smith simply dismiss such analyses as "arbitrary equations" and demand that "obvious" safety improvements be required.

In another place, the book slams American and United for not removing a seat from beside certain exit doors on 757s. Federal air regulations require only a window exit in those locations, and seats are permitted next to window exits. American and United use a larger, door-type exit instead. The door exit is actually a net gain for safety, but you'd never know it from reading Nader and Smith's diatribe about it.

And yet...the cases where the FAA has dragged its feet on adopting NTSB recommendations are legion. Nader and Smith cite more than a handful of cases where current practices do appear to compromise safety—such as exemptions from minimum safety training standards and rules concerning pilot duty time (under which pilots may get less than six hours of sleep). But amid the conflicting interests of unions and airlines, how is one to sort out which practices really do make sense?

One potentially reliable voice for rational safety practices could be the insurance industry. In certain fields (chemical process plants, fire safety), insurance service organizations set standards and work with clients to reduce risks and hence insurance company exposure. In aviation, most of that role appears to have been delegated, by default, to the FAA. But this agency's history and the conflicts imposed by its dual mandate suggest that it may be time for greater involvement by the insurance industry in aviation risk reduction and loss prevention. Nader and Smith mention the insurance industry (along with tort law) as a positive factor but fail to explore how its role could be expanded.

WHEN THEY COME TO THE FAA'S OTHER principal role—operating the air-traffic control system—the authors finally reach solid ground. They document the agency's chronic inability to field state-of-the-art computer, communications, and radar technology; its maldistribution of controllers (thanks to uniform civil-service pay scales nationwide despite large variations in both living costs and stress levels); its financial insecurity, with a budget held hostage to the whims of the federal appropriations process; and its micromanagement by both Congress and the administration.

Unlike many other critics, Nader and Smith recognize the problem as institutional and call for spinning off air-traffic control as a user-funded corporation. (The same recommendation was made last year by the Naderite Aviation Consumer Action Project.) They also call for peak-hour pricing at airports, so that slow-moving private planes will have an incentive not to mix with big jets, a practice that congests busy airports and can create safety hazards.

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On the question of air-traffic control, at least, a consensus seems to be emerging. The National Commission to Ensure a Strong Competitive Airline Industry last August recommended that air-traffic control be corporatized, and the Air Transport Association (the airline trade group) has endorsed this proposal. Fortunately, unlike Nader and Smith, the commission rejected calls to reregulate the airline industry.

When all is said and done, this is a disappointing book. Airline travel in the United States is safer than ever before, and deregulation has made it affordable to a vastly greater market. If Ralph Nader had teamed up with an economist, rather than another lawyer, perhaps he would have written a less strident, more nuanced book on airline safety. That book would have addressed in more detail the contradiction embedded in airline deregulation: namely, that airlines were freed up but airports and air-traffic control were not, resulting in a growing mismatch between the needs of the users and the capabilities of the infrastructure. That book could also have pondered more carefully the question of how much it makes sense to spend on air safety, given limited resources. That book, unfortunately, remains to be written. ®

Robert W. Poole Jr. racks up about 75,000 frequent-flyer miles per year as a peripatetic transportation researcher and president of the Reason Foundation.

The Curse of the Undead

By John O'Leary

Public Education: An Autopsy, by Myron Lieberman, Cambridge, Mass.: Harvard University Press, 379 pages, $27.95

IT IS CUSTOMARY TO WAIT UNTIL THE PATIENT is dead before starting an autopsy. But Myron Lieberman has decided that public education is "beyond life-sustaining measures," and he's impatient to explore what went wrong.

It's a big job. The decline of America's education system has been chronicled in a series of publications with increasingly dire titles. First we learned *Why Johnny Can't Read*. Then we found out that Johnny's reading problems made America *A Nation at Risk*. *Why Johnny Can't Tell Right from Wrong* revealed that, in addition to being illiterate, Johnny was amoral. (No need to be told *Why Johnny Hasn't Graduated Yet*.) Now, in the same way that *Jason Goes to Hell* promises to be the end of the venerable *Friday the 13th* saga, *Public Education: An Autopsy* claims to be the last word on our failed educational system.

While it may not be the last word, the book does present an excellent overview of what's wrong with public education, concluding that the only workable cure—school choice—is virtually inevitable. Lieberman writes: "The promarket forces have one ineradicable advantage in the years ahead. That advantage is the inherent futility of conventional school reform."

This conclusion is especially telling coming from Lieberman, a former public-school teacher who maintained an "optimistic attitude toward public education until the 1980s." A self-described "slow learner," the 74-year-old now contends that "the United States has been prosperous and democratic not because of public education but in spite of it."

Myron Lieberman: The education researcher envisions a three-sector competitive market of public, nonprofit, and for-profit schools to improve U.S. education.

This book is different from other accounts of educational failure because it looks not only at America's declining schools but also at the political structures underlying them. Lieberman provides a peek behind the curtain at the teachers' unions, school administrators, and elected officials who control public education. His experience as a teacher in the St. Paul public schools and as a district negotiator gives him an insider's perspective, and he is at his best when describing the inherent, systemic problems that plague our nation's schools. Lieberman bashes bureaucracy rather than bureaucrats.

IN PUBLIC EDUCATION, HE HAS AN AMPLE target. The nation's 2.4 million public-school teachers are assisted by an additional 2.1 million administrative and support personnel. That represents one public-school employee for every nine students.

Despite all this staff, Lieberman reports, fewer than one-third of 17-year-olds could place the Civil War in the correct half century when asked in a 1986 survey. Though the 1980s saw real per-pupil expenditures increase by 36 percent, students in the United States lag behind those in almost every other industrialized country. A 1991 report from the U.S. Department of Education assessing performance on an international test of math and science found that "the U.S. students scored in the middle among the 10-year-olds, near the bottom among the 14-year-olds, and dead last among the 18-year-olds."

Lieberman's explanation for this failure is simple: Like any government monopoly, public education tends to serve the people who run the system rather than the people for whom the system was ostensibly established. As long as schools are run by political processes, they will not be held accountable for their performance. When government's interest as a producer of education conflicts with its role as guardian of children's interests, it's not hard to predict which will prevail. Backed up by an impressive array of data, Lieberman shows that public education's failure cannot be fixed by hard-working education reformers. Instead, he envisions a three-sector competitive market of public, nonprofit, and for-profit schools.

Among other things, a competitive market would supply important information about schools that is currently difficult to obtain. For instance, the U.S. Department of Education reports that public schools spend $5,452 per pupil. But this figure doesn't include capital expenses, interest on past capital expenditures, or federal programs such as Chapter 1, Head Start, and drug-abuse education. In all, Lieberman conservatively locates an additional $26.7 billion in tax money, meaning that the official figure understates the true cost of education by at least 13 percent. Similarly, it is hard to assess teacher compensation because information about their benefits, which tend to be more generous in the public sector, is not readily available. Lieberman says unions track this information but do not release it, since it undermines the myth of the underpaid teacher.

LIEBERMAN IGNORES MOST OF THE philosophical arguments for school choice, giving only cursory treatment to the inherent desirability of allowing parents to choose schools for their children. But he does show how the public schools have been used to promote various ideological agendas and contends that such teaching is alienating parents and undermining support for public education. "The idea that giving condoms to students free of charge and without parental consent is essential to the legitimate objectives of public education is simply indefensible," he writes. "The public school forces may win many of these battles, but each victory brings them closer to losing the war."

While Lieberman's analysis is generally sound, some of the topics he covers have only a tenuous connection to the issue at hand. For instance, he writes at some length about the harmful effects of feminism, "non-sexist" education, and the abandonment of traditional gender roles. Such opinionizing is distracting. Lieberman could simply have pointed out that different people have different views and that choice allows parents to select whatever school best reflects their values.

This book covers a lot of ground, and at times the material is disjointed. A discussion of birth rates and immigration patterns is followed by a critique of multiculturalism, which is followed by a discussion of public choice theory. On the other hand, the book is filled with intriguing information. Opening it to a page at random, one is liable to find a gem, a new

BILL DOGGETT

fact or argument that illuminates the underlying reasons for the failure of government schools. Lieberman discusses everything from grade inflation to racial bias in standardized testing, usually bringing an insightful, common-sense view to the topic that challenges the prevailing attitudes of the education profession.

The last few years have seen a dramatic shift in popular sentiment toward public education. Once sacred institutions, public schools are now popular targets. School reform has been exposed as a charade, and parents and taxpayers are demanding real change. In the current climate, Lieberman's *Autopsy* may not be so premature after all.

John O'Leary is a policy analyst for the Reason Foundation.

Southern Discomfort

By John Shelton Reed

They Didn't Put That on the Huntley-Brinkley!: A Vagabond Reporter Encounters the New South, by Hunter James, Athens, Ga.: University of Georgia Press, 305 pages, $29.95

THE STRUGGLE FOR CIVIL RIGHTS WAS one of the great morality plays of our century—indeed, one of the greatest of all time—and stage-managing that play was a major accomplishment of the movement and its allies in government and the media. But of course this struggle between black and white (literal and metaphorical) had its gray areas, its ironies and contradictions. As Rheta Grimsley Johnson writes in her foreword to this book, "Save us from more white sheriffs with potbellies battling it out with civil rights saints amongst the magnolias. It was more complicated than that. It *is* more complicated than that." The reporters who covered the movement knew that, even if they didn't always report it.

Hunter James, a retired newspaperman whose career spanned the era of the civil rights movement in Georgia, North Carolina, and Alabama, has set out to tell the "hidden story of the civil rights movement," to show how the movement worked itself out as "blacks and whites who had lived together as neighbors and sometimes as friends suddenly had to learn how to become friends and neighbors all over again in a different way."

James's book flags in places (his accounts of the Nixon and Goldwater campaigns don't add much, for instance), his command of the language sometimes falters (someone is "fomenting at the mouth"; old Atlanta was "a polyglot of festering shantytowns"), and too many punctuation and spelling errors survived copy editing. His attempts to reproduce dialect are probably unfortunate. I don't question the accuracy of his rendition, but it sometimes gives an Amos 'n' Andy flavor to the proceedings. ("Dunno, boss. Can't rightly say. I reckon hit's jes goan depend on how all dis schoolin' turn out en whether dis city ever goan recognize dat we is men too en dat we got our rights jes like de white man has his'n.")

These flaws don't matter much, though. Basically James is just telling stories, and most of them are good ones. In my experience, old-fashioned working reporters are like small-town doctors and lawyers—worldly raconteurs, pleasantly cynical if they're not too sour—and James is one of the breed. His book ambles from one good yarn or memorable character to another, and if it has a point it's just that, well, it's a funny old world.

Typical (speaking of sheriffs) is the quotation from Sheriff Bill Lee of Greene County, Alabama, that gave James his title. Lee, a former All-America tackle for the Crimson Tide, described how he saw his job: "Keeping the whites off them, that's the main thing you gotta watch. I just let 'em talk, 'cause I'm used to it, and it ain't gonna hurt me none. But some of these whites, they ain't used to hearing that kind of talk out of niggers. They can say some real vicious things sometimes. But you gotta let 'em march. The courts have done said you gotta let 'em march, and I sure ain't gonna put up no barricade to try and stop 'em...sometimes I join right in and march with 'em. Sometimes I'll kneel with 'em and pray with 'em—whatever they want to do I'll join right in with it and go along. But nobody ever puts that on the Huntley-Brinkley."

James recognizes that Sheriff Lee was a decent man in his blinkered way, and in his account of the night Lee lost his job to a black insurgent named Tom Gilmore he laments the fact that his fellow reporters were shamelessly partisan. "I hated it when they took sides like that," he writes.

But it must have been hard for outsiders not to. James quotes Gilmore in his earlier, activist days: "Sometimes when I'm in my bed at night and all the world is dark and all hope seems lost I ask myself 'When is America gonna change? When is Greene County gonna change? When is Alabama gonna change? O Lord, when're we finally gonna be able to walk in this old world as free men and brothers?'" To which Sheriff Lee responded, "You see? Just plain vicious, that's all....Just another cotton-patch nigger. That's all."

NOT ALL OF JAMES'S STORIES ARE MOVEment stories, strictly speaking, although most have to do with race, one way or another, as most things in the South in those decades seemed to. He tells us, for instance, about Foley Watkins, a Winston-Salem shoeshine boy and numbers operator who angered a white barber by parking his Cadillac in the white man's customary parking place and refusing to move it. Soon after, Watkins mysteriously attracted the interest of the IRS and subsequently went to jail for nonpayment of 16

years' worth of taxes. Not long after that, the barber was mysteriously murdered. The other barbers seemed to think he had it coming.

Some of James's best anecdotes come from his time in Atlanta, the pretentious capital of the New South, "the City Too Busy to Hate." We're introduced to "Mr. Million," a paper-products salesman alleged to be the city's 1-millionth resident. Atlanta boosters sent Mr. Million on good-will missions to tell the North of their city's magnificence—until he moved to Pennsylvania.

Also in Atlanta, we meet "Big Gentry," a hard-drinking and not very bright laborer caught up briefly in the movement (to the dismay of his mama, who wanted only peace and quiet and her own piece of land), and Lester Maddox, who chased demonstrators from his chicken restaurant with an axe handle, then sold over 100,000 souvenir axe handles (and hammer handles "for the toddlers"), before running successfully for governor.

But my favorite Atlanta stories involve the liberal *Constitution* columnist Ralph McGill and his many enemies. James recounts the legendary last meeting between McGill and Georgia politician Gene Talmadge. One election night, the victorious Talmadge dropped in at the *Constitution* to find his old adversary in consultation with the sitting governor, Ellis Arnall, a wealthy Atlanta liberal who had beaten Talmadge four years before.

"'Give you a good whuppin' this time, didn't I, Ralph?' said [Talmadge] as he reached across the desk to shake hands. 'Yessir. A real good whuppin' this time.'

"McGill's voice failed him. Arnall was looking for a quick exit. He didn't find it. Talmadge stood pointing at him with his cigar. 'Another thing, Ralph, this little fellow here woudna beat me the last time if that black widow spider hadna bit me on the balls!'"

But the Wild Man of Sugar Creek hadn't come simply to gloat: He had come to propose that McGill write his biography. He even had a title: *The Life of Gene Talmadge by His Old Enemy Ralph McGill.* (The book was never written.)

James moved on to Greensboro, North Carolina, where he encountered Ralph Johns, a former Hollywood bit player and double for George Raft who ran a Greensboro clothing store to support his true vocation of crusading for left-wing causes. Johns apparently shamed four North Carolina A&T students into undertaking the historic sit-in at the Woolworth's across the street from his store, but never got the recognition he (and they) feel he deserves. He has now returned to California and writes for an environmental weekly in Beverly Hills.

At North Carolina A&T, Jesse Jackson was already a skilled manipulator of the media and a little careless about the facts. (That he wasn't in Greensboro at the time of the original sit-ins is "just one of the things that's got all mixed up over the years," says a participant.)

We also meet the young Jesse Jackson. As a football hero and student-body president at North Carolina A&T, he was already a skilled manipulator of the media; already, too, a little careless about the facts. (That Jackson wasn't yet in Greensboro at the time of the original sit-ins is "just one of the things that's got all mixed up over the years," says one of the four participants.)

But the best of James's characters come from Eutaw, Greene County, Alabama, "a town so lost to the world that it was almost in Mississippi." It's there we meet Lula, the live-in maid in a plantation house owned by the family of James's wife. Hired for $50 a month to clean, garden, cook, and tend to an invalid old lady, Lula dismayed her employers by using the indoor toilet, eating at a "white" table, entertaining her guests in the house, and watching her soap operas on the family's television set. Despairing of teaching her correct behavior, "Uncle Dud" rehabilitated the old privy for his own use.

As a symbol of segregation, Uncle Dud is almost too good to be true. He believed that the U.S. government should compensate the descendants of slave-holders for their losses at emancipation: "I still say it's a good fair debt that the government of the country owes the South. And they'd be well rid of it. Why, it's the right thing—the only honorable thing. And I'm bound to think they'd feel a whole lot better about themselves if they'd just go ahead and clear it off the books."

EUTAW WAS ALSO HOME TO O.B. HARRIS, a black merchant and chairman of the local NAACP chapter. Harris believed in the power of voter registration, and he opposed the demonstrations and boycotts brought to town by the young organizers of the Southern Christian Leadership Conference. (They also brought signs left over from demonstrations in other towns. "Integrate the Bowling Alley!" said one. There was no bowling alley in Eutaw.) James tried to interview Harris after he was kicked out of office for being too moderate, but Harris said that he was saving most of his material for his own book, to be called *Uncle Tom Speaks Out.*

Harris was succeeded by a 47-year-old preacher named William McKinley Branch. Like so many black preachers, Branch was a powerful speaker, and James gives us some samples. In support of a boycott: "Stay outa them white men's stores. Let them balonies rot. Let the cheeses rot. The vegetubbles and the fruits and the fresh meats, let all them things rot." But also: "I believe we are made of the same order other men are made by....I believe that we can be stronger and better, and the world made stronger and better because we have lived."

The boycott was supported by a good many of what Southern white folks used

to call "outside agitators," including SCLC members. But what made the boycott work was outside help of another sort: An outsider named Andrew Marisette organized teenaged boys into "goon squads" to tear up grocery bags and to intimidate, sometimes to beat, black folks who didn't cooperate. Looking back, a local preacher observes, "Yeah, I guess you might say there's lots of things we did that was against King's guidelines, all right enough. But we saw it took that technique to get the thing over, and so we contraried a lot."

Greene County was no stranger to violence. Civil rights demonstrators had been threatened with chainsaws and sprayed with poison from a crop-dusting airplane. But increasingly, the violence directed against Greene County black folks came from other blacks. One of the most painful conversations in this book is with Wes Taylor, an aged black man whose young daughter was blinded by shotgun blasts from enforcers, out to get those who did not vote the insurgent line. "Why'd dey pick me out, cap'n?" Taylor asks. "Why'd dey want to go en shoot my little girl?"

In Greene County neither the worst fears of whites nor the highest hopes of blacks have been realized. Some whites have left the county, but the feared mass exodus never happened. Economic power is still solidly in white hands, political power now in black. Although there has been a measure of rapprochement (over the objections of some diehards, both black and white), there has been nothing like redemption, and James makes bitter fun of some writers who wrote that story prematurely.

His book ends, oddly, in a different Alabama town, with the old story of the rape of a white woman, racial tension, rumors flying, muttered threats—and a lynching that doesn't happen. That, he suggests, is progress, of a sort. Even those of us who are more optimistic than he can agree with that.

John Shelton Reed teaches and directs the Center for the Study of the American South at the University of North Carolina at Chapel Hill.

Playing with Fire

By Jonathan H. Adler

Fire in Paradise: The Yellowstone Fires and the Politics of Environmentalism, by Micah Morrison, New York: HarperCollins, 253 pages, $22.00

On August 20, 1988—a day that came to be known as "Black Saturday"—about 160,000 acres were consumed by fires in the greater Yellowstone Park area. A dozen or so fires in the area had been burning for a little over a month, and already a half million acres in and around Yellowstone had gone up in flames. Before the fires would be extinguished, they would burn nearly a half-million more, at a total cost of about $120 million. Nationwide, 1988 saw the burning of nearly 6 million acres, the most since 1924.

While only a fraction of the total, the Yellowstone fires received national attention and sparked a heated debate on the management of public lands. Far from a freak accident of nature, the massive fires of 1988 were largely the result of a deliberate National Park Service policy, a policy designed to let forests burn.

The awesome sweep of the Yellowstone fires and the policies that produced them are the subjects of Micah Morrison's *Fire In Paradise: The Yellowstone Fires and the Politics of Environmentalism.* More narrative than wonkish analysis, *Fire In Paradise* tells the story of the fires as seen by those who were in charge of their control. After covering the fires for *The American Spectator*, Morrison spent the next four years conducting research and interviewing the park rangers, government officials, and nearby residents whose lives the fires touched. In the resulting book, he provides a rich and detailed account of the Park Service's attempt to reckon with wildfire. At times, the fire advanced with human acquiescence; at others, concerted human effort was impotent in the face of nature's awesome force.

When the first several fires were identified in mid-July, the official policy at Yellowstone was to do nothing. Fires would produce "no ecological downsides," according to one Park Service official. As Morrison points out, this policy grew out of the desire to impose "natural regulation" on Yellowstone Park. This means that, as much as possible—i.e., until people or specific properties were directly threatened—Yellowstone was to be left alone. As one official noted, this policy "was simply another logical step to return the park's ecology...to its original state." A local environmental activist put it more succinctly: "Save a forest; let it burn."

Where suppression efforts would be allowed, fire-control officials were still responsible for living lightly on the land. This meant that some of the most effective fire-suppression methods were officially off-limits, except in the most extreme cases. By the time firefighters were allowed to use the most powerful techniques—creating control lines with bulldozers and the like—it was too late. The fires had grown too large and were moving too fast.

In more than one instance, spot fires—small, external fires caused by wind-borne embers—would ignite more than a half mile in front of an approaching front. Fires of this magnitude are "a kind of self-sustaining mobile world of destruction," notes Morrison. They create their own wind and weather and give natural obstacles little heed. If allowed to extend to this point, they will stop only when nature is ready. In 1988, it was not until the mid-September showers that the fires could be subdued.

As anyone familiar with the management of federal lands would expect, administrative infighting and bureaucratic ineptitude played a role in the fires' ad-

vances. By the end of July, there were 13 "generals" in and around the park, "all of them hammering for attention, resources and clear marching orders." With so many officials calling the shots, the men in the field often lacked clearly defined objectives and allowable methods. Once a slew of senators, cabinet secretaries, and high-powered journalists arrived, things only got worse. Congressmen were demanding immediate extinguishing of the fires while the Park Service director attempted to defend the status quo. If national coverage of the fires seemed jumbled—papers reported contradictory stories about the status of fire control on the same day—local firemen were in only marginally better shape.

Adding to the confusion was a philosophical disagreement between the Park Service and the other agency involved in fire-suppression efforts, the National Forest Service. Yellowstone National Park is surrounded by national forests, where some of the fires began. The Forest Service's policy of controlling and managing fires was at odds with the Park Service's strategy of allowing forest fires to take their "natural" course, and officials of the two agencies were often less than accommodating to one another while pursuing their separate efforts.

The administrative barriers to effective fire control were significant, but they alone were hardly to blame. The Park Service's partial responsibility isn't because of its inability to *implement* its policy but because of its *policy*. As Morrison demonstrates, "Yellowstone Park, in effect, has been burned down by an idea."

The idea that forest fires should always be left to burn on "natural" lands is popular within the environmental establishment. The Greater Yellowstone Coalition—which includes the local chapters of the National Audubon Society, National Wildlife Federation, and Defenders of Wildlife, among others—was a strong supporter of the Park Service's "let it burn" policy. (Local residents of West Yellowstone, Cooke City, and other nearby towns were not so sympathetic. They rightly feared the power of fire to decimate their homes and destroy their livelihoods.)

Firestorm in Yellowstone National Park: Environmentalists believe control of such blazes is tantamount to human control of nature—and therefore unacceptable. Yet modern fire-control methods have led to a silvicultural renaissance, giving America more trees today than at any time this century.

AP/WIDE WORLD PHOTOS

Morrison makes it clear that the environmental establishment opposes fire control because it is viewed as unnatural. Human control of fire is tantamount to human control of nature, and human control of nature has been deemed unacceptable. Paradoxically, the environmental establishment, as well as many of the government overseers of public lands, would have federal lands such as Yellowstone managed as if people were never there. The idea is to maintain Yellowstone's integrity as a fully functioning ecosystem.

The simple fact, however, is that people *are* there, and they always will be there. If "natural" lands are lands without people, then there are no truly "natural" lands left. No matter how the Park Service tries to design its policies, the lands will never be "natural" by this standard until all traces of people are removed—something that never will, and never should, happen. Hikers, campers, sightseers, and the like visit Yellowstone by the thousands, and their presence has an effect. Yellowstone is no longer "natural," and it should not be managed as if it were. Park officials ignore this lesson only at their own peril, and that of the parks they seek to preserve as well.

Environmentalists are similarly misguided to ignore the development of advanced fire-control techniques, especially since they have been among the most important technological breakthroughs for the health of America's forests. Without reliable fire-control methods, timber companies and private landowners would be far less willing to replant felled trees for fear of losing them (and the investment they represent) in the next uncontrollable fire. With fire control, however, private landowners have led a silvicultural renaissance that has given America more trees in its forests today than at any time in this century. In 1872, a wildfire near Peshtigo, Wisconsin consumed 1 million acres and killed 1,500 people in the process. Back then, modern fire-control techniques were not available. Sadly, they were available in 1988 but went unused until it was too late.

Jonathan H. Adler is an environmental policy analyst at the Competitive Enterprise Institute in Washington, D.C.

Escape from Earth

By Greg Costikyan

Harvest of Stars, by Poul Anderson, New York: Tor Books, 448 pages, $22.95

ONE DIFFICULTY THE WRITER OF SCIence fiction faces is that it seems quite likely that the world will be largely incomprehensible to us 100 years from now. There may well be self-aware computers a good deal smarter than any of us carbon-based life forms, and even mere human folks may be able to plug their brains directly into networks, giving them complete access to the sum total of human knowledge. If, when plugged in, you can recall anything from the gist of Joyce's *Ulysses* to historical trends in peanut production from 1941 to 1957 as easily as you remember your mother's maiden name, will you ever want to unplug and feel drastic intellectual diminishment? And what does society look like if everyone has this kind of access to information all of the time? We may well be approaching a cusp in history that changes things as drastically as the agricultural and industrial revolutions.

In *Harvest of Stars*, Poul Anderson takes a look at the human future and doesn't like what he sees. He likes individual freedom, open skies, wilderness, and challenge to the human spirit; and he doesn't think the future offers much opportunity for any of them.

To support the teeming billions, the environment will be carefully regulated, every square inch of arable land exploited, and the few remnants of wilderness kept alive through active human intervention. Just as machines have largely supplanted physical labor, computers will largely supplant intellectual work; jobs will be fewer and generally meaningless. Life from cradle to grave will be regulated and planned. Even resources from space will only stave off the day when initiative becomes meaningless, when machine intelligences function in a realm beyond our understanding and only those humans willing to become half-machine themselves have any real role to play in civilization.

Note that Anderson isn't a doomster: Hey, humanity has a future, ecocatastrophe won't do us in, and we'll learn to manage the planet sustainably. And Anderson thinks his likes are a minority taste; probably most people would be happy to live in a stable, controlled society that doesn't demand that people work.

There's a lot of Rand and a lot of Heinlein in this book—no surprise, since both wrote about small groups of capable people pitted against oppressive societies, and that's what Anderson is after.

IF THIS WERE ALL THERE WERE TO *HARVEST of Stars*, we wouldn't have much of a story, merely a gloomy portrait of the future. It's just the backdrop, though. Anderson's real story is about the few obsessive folks who cross the gulf of stars to found a new society on a planet orbiting Alpha Centauri. First, they have to survive upheaval in North America, currently dominated by totalitarians—Anderson evidently doesn't think the death of communism has brought an end to the age of ideology just yet—and then persuade the rest of humanity to spend resources on a quest that can't ever benefit them directly. You're never going to ship goods or people across light years cost-effectively, after all; the solar system will never see tangible benefit from the settlement of other stars.

It's that struggle—on the one side, Fireball Enterprises and its chief, Anson Guthrie, a dead man whose mind has been downloaded into a computer, and on the other, the North American Union and the World Federation—that makes the story a taut, political thriller in a regimented and entirely believable future world. And we get some very nice bits along the way: a rather fey Lunarian culture, how espionage works in the computer era, lyrical passages on the glories of nature. We also get some bits that don't work so well: Anderson's patented archaic diction makes a lot more sense in his high-fantasy stories than it does here in the world of the technofuture. And those of us who aren't Randians may get impatient, early in the book, with the quantity of political speechifying. No, it's not as bad as that endless speech in *Atlas Shrugged*, but there are pages at a time that can easily be skipped.

There's a lot of Rand and a lot of Heinlein in this book—no surprise, since both wrote about small groups of capable people pitted against oppressive societies, and that's what Anderson is after. Writing like either Rand or Heinlein, and doing it well, is no mean trick—after all, the originals didn't always manage it. Anderson succeeds gloriously, and that is not to say he is being imitative. He is drawing on techniques those authors used, but in his language, his sense of transcendence, and his Scandinavian dourness, Anderson is ever his own man.

Most writers of Anderson's age are past the peak of their authorial powers, content to rehash old themes or rest on their laurels. With *Harvest of Stars*, Anderson shows that not only has he still got the spark that made masterpieces of *No Truce with Kings*, *Brain Wave*, and *Orion Shall Rise*—he's getting better. Anyone looking for the best of contemporary science fiction—or of the literature of liberty, for that matter—need search no further. ®

Greg Costikyan is a science-fiction writer and game designer.

Lost in Multi-Media Hyperspace

By Thomas W. Hazlett

The fate of the big, bad monopolist and the big, bad cable-TV law.

WE'VE ALL BEEN READING ABOUT the excitement in telecommunications markets, with mammoth mega-mergers, sprawling joint ventures, incredibly advanced high-tech products, and massive new regulatory laws (such as the Cable Act of 1992) dotting the front page and dominating the business section. Allow me to take you on a brief, two-stop tour of the public-policy landscape. Please keep your limbs on the bus and do not feed the regulators—the dazed and confused animals trying desperately to break into the main exhibits.

Landmark One: Bell Atlantic buys Tele-Communications Inc. for $33 billion.

There was this big, nasty cable company, TCI. It made obscene profits, bought every cable system in sight, ignored the regulations, and pushed around customers, competitors—even city councilmen. When it tried to buy Paramount, a Hollywood studio that Viacom (a smaller cable firm) wanted, it was sued. Vicious allegations were made about TCI's flagrant attempt to monopolize the video business. Its chairman, John Malone, was personally charged with being ruthless in his campaign to control everything in the industry—creation of programs, satellite delivery to cable systems, multi-channel video distribution to consumers.

And then the gargantuan TCI was swallowed whole by Bell Atlantic. Now, picture this event on trial day in *Viacom v. TCI*: The evil John Malone walks into court and pleads nolo contendre...but begs for the court's understanding. "You see, Your Honor, we at TCI were once an evil monopolist, it is true. We were well on our way to buying up almost everything in cable and controlling what we didn't own through threats and intimidation, just as Viacom alleges. But, Your Honor, we have now been purchased by a competitive telephone company, and the problem is entirely solved." His lawyers rushed the bench with voluminous supporting briefs and documentation.

Mr. Malone's story would be a pure, fat-free slice of regulatory logic. By many standards (including my own), TCI was a monopolist. But by every antitrust standard of the federal government, Bell Atlantic is either competitive or regulated: Its market structure, still under court discretion, is entirely a creature of the 1984 AT&T divestiture, from which it and its six Baby Bell sisters were conceived and born. The idea that the huge, evil monopolist TCI (with over 10 million cable subscribers and pieces of CNN, TNT, BET, WTBS, Discovery, Lifetime, and maybe one of your family members who's been watching the tube a little too long) could be gobbled up in one bite by a company that the government has done its best to make competitive (either by market forces or by law) stands the entire antitrust framework on its ear. Don't you think, Your Honor?

Landmark Two: The Cable Consumer Protection and Competition Act of 1992.

In 1990, in articles in both *The New York Times* and *The Wall Street Journal*, I argued that cable re-regulation was a fraud, that rates could not be effectively controlled, except by competition, because any price limits would be circumvented. I pointed out the ease with which companies would "retier" in the short run, shifting channels from regulated to unregulated status. Over the long run, I said, the systems could simply respond to any price control by skimping on the program quality featured in basic cable packages. I was attacked by guardians of the public interest in the *New York Times* letter section as an "ivory-tower, free-market ideologue."

UNREPENTANT, I REPEATED THESE "IVORY-tower" predictions in many places, including an essay in the *Journal* in October 1992, right before Congress passed the 1992 re-regulation bill over Bush's veto. The promise: "A vote for the cable bill has the effect of giving a $6-billion tax cut to Americans," Rep. Edward J. Markey (D-Mass.) argued on September 17, 1992. This would have produced a 30-percent reduction in your cable bill.

Since re-regulation kicked in on September 1, 1993, the argument in Congress and at the FCC has been over whether the average cable bill has gone up or down. Not whether the rate cut was 23.5 percent vs. 30 percent, but whether there was *any cut at all.* And no one in Washington is even paying attention to the quality-depreciation problem. My cable system dumped signals I value highly, C-SPAN2 and Sports Channel America, replacing them with a vast array of new home-shopping channels.

In response to the tectonic-plate shifts wrought by the new technologies, regulators are increasingly unable to do much more than kick up a little dust. Shocked by the Bell Atlantic-TCI merger, one congressional leader alertly pontificated, "We had better create a new paradigm." Create a new paradigm? When you can't even figure out the entirely predictable gimmickry of cable rate "regulation"? Leave the paradigms to the visionaries, boys, and tell me how I can get my C-SPAN2 back, and it better not involve an 800-number, a credit card, or any cubic zirconia.

Contributing Editor Thomas W. Hazlett teaches economics and public policy at the University of California, Davis. He is a former chief economist at the Federal Communications Commission.

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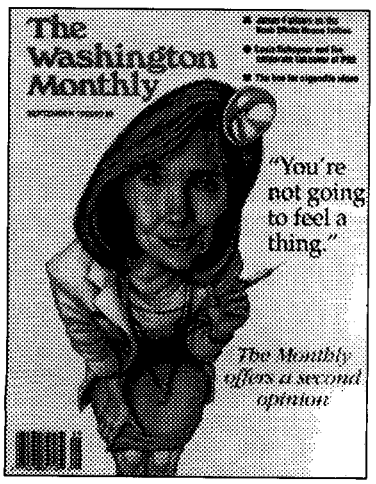

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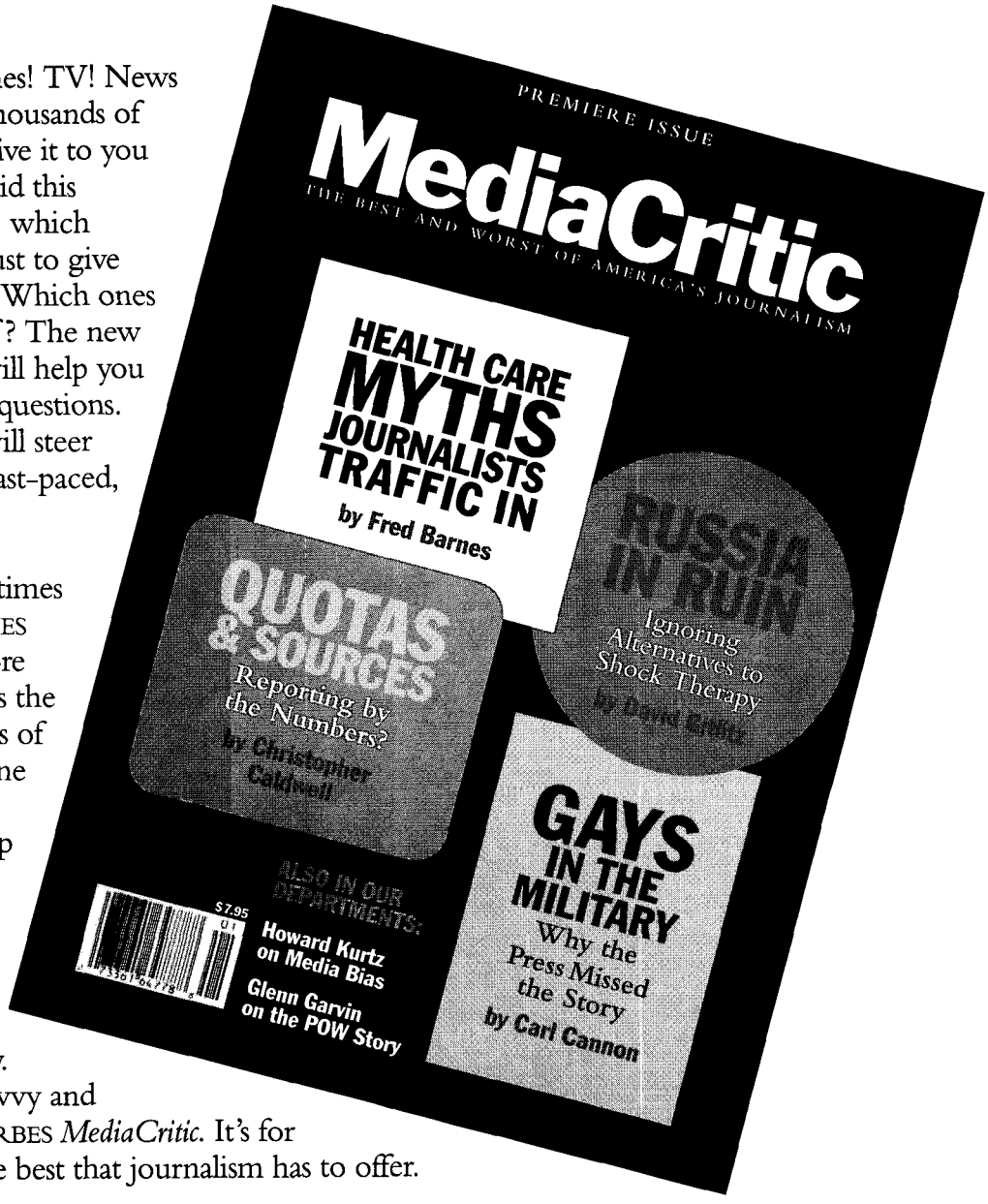

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